

House of Representatives, U. S.

Report of Proceedings

Hearing held before

Subcommittee on Foreign Operations

and Government Informations

of the

Committee on Government Operation

CURRENCY EXCHANGE IN SOUTHEAST ASIA

Monday, August 2, 1971

Washington, D. C.

DIA review(s) completed.

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C O N T E N T S

STATEMENT OF:

PAGE

Michael J. Uhl,
Public Witness;
-- accompanied by --

J. Kenneth Osborn,
Public Witness

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CURRENCY EXCHANGE IN SOUTHEAST ASIA

Monday, August 2, 1971

House of Representatives,
Subcommittee on Foreign Operations
and Government Information of the
Committee on Government Operations,

The subcommittee met, pursuant to recess, at 10:00
o'clock a.m. in Room 2203 Rayburn House Office Building,
Honorable William S. Moorhead (Chairman) presiding.

PRESENT: Representatives Moorhead, Reid and
McCloskey.

STAFF PRESENT: William G. Phillips, Subcommittee
Staff Director; Norman G. Cornish; Subcommittee Deputy Staff
Director; Dale E. Moser, Supervisory Auditor, GAO; and
William Copenhaver, Minority Staff.

Mr. Moorhead. The Subcommittee on Foreign Operations
and Government Information will please come to order.

While waiting for the members to arrive I will make an
opening statement.

During the past several weeks we have been looking into
the economy and efficiency of the operations of the United

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1 States Assistance Programs in Vietnam, Cambodia and Laos. We
2 have reviewed the degree of inequity in the exchange rates in
3 the currency of these countries: the U. S. dollar. We have
4 begun our inquiries into the long-range implications of U. S.
5 assistance operations to help strengthen the economic trade
6 and stability of these nations once U. S. military support has
7 been withdrawn.

8 Likewise, we have reviewed various economy and efficiency
9 aspects of such programs as commodity imports, health,
10 refugees, public safety, and rural development and other types
11 of inter-related activities involved in the so-called: CORDS
12 classification programs.

13 Wednesday and Thursday afternoons of this week will be
14 devoted to hearing additional witnesses on the operation of the
15 black market currency manipulation and other illegal activities
16 in these countries.

17 The Assistant Secretary of the Treasury, Eugene Rossides
18 will be the principal witness on Thursday. Following the
19 hearing that day I will discuss with the other members of the
20 subcommittee the overall plans and timetable for reports on
21 these hearings to the advisability of resuming certain investi-
22 gative hearings in September after the recess.

23 Earlier in our hearings we discussed various aspects of
24 the pacification program carried on by the CORDS organization.
25 Ambassador Colby, former head of the programs, testified two

1 weeks ago today. Members have been disturbed by certain
2 allegations made by the U. S. involvement in the Phoenix program
3 under which some 22,000 persons of the Viet Cong infrastructure
4 were neutralized this past year. We learned that "neutralized"
5 means killed, imprisoned or rallied.

6 Ambassador Colby went into some detail about the Phoenix
7 program in a supplemental statement he submitted to the sub-
8 committee. He also responded to numerous questions about its
9 objectives and its operational characteristics.

10 For the record, I would like to include an article in
11 today's New York Times which is headlined: "Rewards up to
12 \$11,000 Set for Captured Viet Cong."

13 Without objection it will be made part of the record.

14 (The document referred to follows):
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1 Mr. Moorhead. I would also like to include in the
2 record a letter to me from Mr. R. W. Komer, who was formerly
3 head of the CORDS program, which encloses an article by Mr.
4 Komer entitled: "Impact of Pacification of Insurgency in South
5 Vietnam."

6 Without objection the letter and the article will be
7 included in the record.

8 (The document referred to follows):
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1 Today we will hear from two outside witnesses who will
2 testify on the economy and efficiency of the field operations
3 of this program. The witnesses: Mr. Michael Uhl and Mr.
4 Kenneth B. Osborn, both served in the U. S. Armed Forces in
5 Vietnam during the past several years. Both are officers with
6 command responsibility in the intelligence area, charged with
7 implementing various directives, orders and stated objectives
8 of the Phoenix program.

9 Both were honorably discharged from the military service
10 and appear here as voluntary witnesses. We will hear their
11 statements and then both will be available for questions from
12 the members of the subcommittee and the staff.

13 Mr. Uhl and Mr. Osborn, will you come forward to the
14 witness table, please.

15 This being an investigative hearing, we will swear you
16 both, if you will please rise and raise your right hand.

17 Do you solemnly swear that the testimony you are about
18 to give this subcommittee will be the truth, the whole truth
19 and nothing but the truth, so help you God?

20 Mr. Uhl. I do.

21 Mr. Osborn. I do.

22 Mr. Moorhead. Mr. Uhl, since you have a prepared state-
23 ment, why don't you proceed first.

24 Do you have any statement, Mr. Reid?

25 Mr. Reid. No.

1 STATEMENT OF MICHAEL J. UHL, PUBLIC WITNESS;

2 ACCOMPANIED BY: KENNETH OSBORN, PUBLIC WITNESS.

3 Mr. Uhl. Thank you.

4 My name is Michael J. Uhl. I am currently listed in
5 the Army records as a retired First Lieutenant by virtue of my
6 disability.

7 Upon arrival in the Republic of Vietnam in November of
8 1968 --

9 Mr. Moorhead. For the record you might give us your
10 address here.

11 Mr. Uhl. I currently reside in New York City. I am
12 using my parents' address as my address of record: 35
13 Coppertree Lane, Babylon, New York, Code 11702.

14 Mr. Moorhead. Thank you.

15 Mr. Uhl. Upon arrival in the Republic of Vietnam in
16 November of 1968 I was assigned as the Team Chief of the 1st
17 Military Intelligence Team (1st MIT), 11th Brigade, Americal
18 Division. I remained with the 11th Brigade until late May
19 1969, at which time I was medically evacuated, having contrac-
20 ted pulmonary tuberculosis.

21 The 1st MIT consisted of three sections: Counter
22 Intelligence (CI), Order of Battle (OB), and Interrogation of
23 Prisoner of War (IPW). My primary function was to administer
24 the team and coordinate its efforts, in order to fulfill our
25 mission of providing the combat brigade with tactical

1 Intelligence for immediate exploitation and security from
2 compromise of its operations. By virtue of my Military
3 Occupational Speciality (MOS) I also had direct supervisory
4 control over the CI section.

5 Through my testimony today I hope to convey, generally,
6 a perspective shared by many of my veteran comrades. This is
7 a perspective gained from the field, of those charged with the
8 responsibility for implementing ambiguous and often absolutely
9 misleading directives, policies and Standard Operating Pro-
10 cedures. Most of these I believe to be based on fallacious
11 analysis of the historical and contemporary Vietnamese situa-
12 tion, not to mention a fundamentally misguided concept of
13 what the role of the United States should be in foreign
14 affairs.

15 I do not make these charges lightly. For those who have
16 strong beliefs in the many revolutionary concepts that first
17 shaped our nation, disillusionment does not come easily. Our
18 system has evolved away from the best sentiments of Thomas
19 Paine, Sam Adams, Patrick Henry, and thousands like them
20 throughout our history.

21 William Jennings Bryan, in spite of his failings, summed
22 up many of these sentiments before this very body. At that
23 time Congress was debating whether or not to withdraw American
24 troops from the Philippines.

25 "And so with the nation. It is of age and it can do

1 what it pleases; it can spurn the traditions of the past; it
2 can repudiate the principles upon which this nation rests;
3 it can employ force instead of reason; it can substitute might
4 for right; it can conquer weaker people; it can exploit their;
5 lands appropriate their property and kill their people; but it
6 cannot repel moral law or escape the punishment the decreed
7 for the violation of human rights"

8 William Jennings Bryan.

9 Since this subcommittee is enjoined to hear testimony
10 that bears on the efficiency and funding of governmental opera-
11 tions, I will try to make my comments relevant to these guide-
12 lines wherever possible. It is generally fairly obvious that
13 at least with tactical level MI operations, waste and ineffi-
14 ciency are the rule, not exception.

15 It is not at all unpredictable, given what we have
16 learned from the Pentagon Papers, that my operational perspec-
17 tive of MI programs like Phoenix, for example, is diametrically
18 opposed to the administrative perspective of former CORDS chief,
19 Ambassador Colby.

20 For instance, Ambassador Colby gave the impression that
21 Phoenix targeted specific high level Vietcong infrastructure
22 whose identity had been established by at least three unrelated
23 intelligence sources. In his prepared statement delivered
24 before this committee on July 19, 1971 he cites several inter-
25 esting statistics. Among these is the number of Vietcong

1 Infrastructure (VCI) successfully targeted and "neutralized"
2 during the period 1968 - May 1971. 1970 figures show 22,341
3 VCI "neutralized." Colby thus would have us believe that the
4 vast majority of these people were targeted according to the
5 rules that he outlined.

6 This capacity on the part of MI groups in Vietnam seems
7 to me greatly exaggerated. A mammoth task such as this would
8 greatly tax even our resourcesful FBI, where we have none of
9 the vast cross-cultural problems to contend with.

10 What types of operations "generate" this supplementary
11 body count then, assuming the figures are accurate? It was my
12 experience that the majority of people classified as VC were
13 "captured" as a result of sweeping tactical operations. In
14 effect, a huge dragnet was cast out in our area of operation
15 (AR) and whatever looked good in the catch, regardless of
16 evidence, was classified as VCI.

17 MI personnel do not have an "active" combat role.
18 Nevertheless, the 1st MIT had a reputation of being an aggres-
19 sive unit that did not shy away from initiating and participa-
20 ting in combat patrols. On one occasion, shortly after I had
21 joined the team, I was on the land line, land communication,
22 reporting to my Commanding Officer (CO) at Division. In the
23 course of giving him an account of the week's activities, I
24 mentioned that we had staged several MI patrols. He reprimanded
25 me slightly, saying that he did not want to lose "valuable" MI

1 personnel on routine combat patrols; replacements were hard to
2 come by. He further informed me that the only justification for
3 MI people to be on a patrol was for the purpose of hunting
4 down VCI. From that point on, any "body count" resulting from
5 an MI patrol were automatically listed as VCI. To my know-
6 ledge, in fact, all those killed be 1st MIT on such patrols,
7 were classified as VCI only after their deaths. There was
8 never any evidence to justify such a classification.

9 The IPW section, I would estimate -- again I stress
10 "estimate" -- interrogated an average of twenty people per day.

11 Mr. Moorhead. Is that your team: 20 per day?

12 Mr. Uhl. Yes, sir.

13 These Vietnamese were generally turned over to MI by our
14 various combat units, as VC suspects. There was an extra-
15 ordinary degree of command pressure placed on the interroga-
16 tion officer to classify detainees turned over to IPW as Civil
17 Defendants (CDs). As opposed to innocent civilians (ICs) these
18 are people adjudged to have violated Vietnamese law.

19 It was a foregone conclusion that the overwhelming
20 majority of detainees could not be classified as prisoners of
21 war (PWs) since the conditions of capture did not meet the
22 rigid criteria set up to make that classification. Therefore,
23 the way that the Brigade measured its success was not only by
24 its "body count" and "kill ratio" but by the number of CDs it
25 had captured. Not only was there no due process, which we as

1 Americans consider to be among man's "natural rights," but
2 fully all the detainees were brutalized and many were
3 literally tortured.

4 All CDs, because of this command pressure, (the majority
5 of our detainees were classified as CDs) were listed as VCI.
6 To my knowledge, not one of these people ever freely admitted
7 being a cadre member. And again, contrary to Colby's statement,
8 most of our CDs were women and children. Mr. Colby, in res-
9 pons to a direct question, denied that Americans actually
10 exercised power of arrest over Vietnamese civilians. In Duc
11 Pho, where the 11th Brigade base camp was located, we could
12 arrest and detain at will any Vietnamese civilian we desired,
13 without so much as a whisper of coordination with ARVN or CVA
14 authorities. But the impact of this oversight in Ambassador
15 Colby's testimony pales when compared to his general lack of
16 understanding of what is actually going on in the field.

17 I mentioned above that in order to be listed as VCI at
18 least three different intelligence agencies had to target the
19 same individual. Even if this were true, which it wasn't in
20 my experience, the most crucial omission in this progression
21 is not even addressed. That is: what steps are taken to assure
22 that information used to denounce any individual is reliable?

23 The 1st MIT employed eleven coded sources. These were
24 indigenous sub-agents paid to provide us with "hot intel" on
25 the VC personalities and movement in our AO. We had no way of

1 determining the background of these sources, not their motiva-
2 tion for providing American units with information. No
3 American in the team spoke or understood Vietnamese well
4 enough to independently debrief any "contact." None of us
5 were sufficiently sensitive to nor knowledgeable of the law,
6 the culture, the customs, the history, etc.

7 Our paid sources could easily have been either provo-
8 cateurs or opportunists with a score to settle. Every Infor-
9 mation Report (IR) we wrote based on our sources' information
10 was classified as 1) unverifiable and 2) usually reliable
11 source. As to the first, it speaks for itself; the second, in
12 most cases was pure rationale for the existence of the program.

13 The unverified and in fact unverifiable information,
14 nevertheless, was used regularly as input to Artillery strikes,
15 Harassment and Interdiction fire (H&I), B52 and other air
16 strikes, often on populated areas. We churned out a dozen IRs
17 per week, not because it was good or reliable information, but
18 it was our mission. Furthermore, it was not possible, given
19 the conditions in Vietnam, for a tactical unit to produce
20 reliable and verified intelligence data.

21 The Intelligence Contingency Fund (ICF), a classified
22 fund, provides payroll and incentives for these essentially
23 useless subagents. Moral, ideological and political questions
24 aside literally millions of dollars must be squandered yearly
25 in operations similar to the one I described extemporaneously,

1 all over Vietnam; all over the world.

2 If one assumes, as I do, that Phoenix is a hoax --
3 that thousands of Vietnamese are indiscriminately classified
4 as VC -- based on no specific targeting procedure -- based on
5 no evidence -- then this is just one more colossal example of
6 wasted funds and personnel.

7 So what, a few more millions are wasted among the
8 billions wasted before them. As the troops return from South-
9 east Asia, the cost of this war will continue for many years
10 to come. Those addicted to drugs will need extensive rehabili-
11 tation. Those scared psychologically from having been execu-
12 tioners of brutal policies will not only seek medical and
13 financial relief, but in a real sense, represent a human re-
14 source no longer willing or able to believe in the worth of
15 American Institutions.

16 Mr. Moorhead. Thank you very much, Mr. Uhl.

17 Before we question you we will hear from Mr. Osborn.

18 Mr. Osborn, you may proceed.

19 Mr. Osborn. Thank you, Mr. Chairman.

20 My name is K. Burton Osborn. I am a resident of
21 Washington, D. C., 5205 Sherrier Place, Northwest, Washington,

22 I would like to describe my role as it was peripheral
23 to the Phoenix Program and give you an idea of the context in
24 which I was associated with both military intelligence and the
25 Central Intelligence Agency Program.

1 I was in Vietnam from September 1967 until December
2 1968. At that time I was in the Army on active duty. I had
3 been trained for six months at Fort Holabird, Maryland, in a
4 covert classified program of illegal agent handling, which
5 taught us to find, recruit, train and manage and later termin-
6 ate agents for military intelligence.

7 Mr. Reid. Could you explain what you mean by
8 "terminate?"

9 Mr. Osborn. Terminate, that is to release agents from
10 their duties as they performed them for the agent handler once
11 they no longer were of use for the agent.

12 Mr. Reid. Do you imply by that with extreme prejudice?

13 Mr. Osborn. There are two ways: one is with prejudice
14 and one is without prejudice.

15 With prejudice means simply -- without prejudice first
16 of all, is to tell the man or woman he has done a good job;
17 give them a payoff or whatever and let them go; also to estab-
18 lish a future contact arrangement.

19 With prejudice is subcategorized into two areas. With
20 prejudice may mean simply that the agent did a bad job; in
21 some way was judged not loyal or whatever, and was not to be
22 hired again and was to be put on a list of undesirable per-
23 sonalities which they call "Black List."

24 With extreme prejudice is to murder the individual
25 right out because he or she constitutes a knowledgable person

1 who may be compromising to present or future operations. That
2 is a termination process.

3 There is a whole cycle called "The intelligence cycle,"
4 from the point of needing an agent and going to find one through
5 recruiting the person, training them, managing them, sending
6 them out, receiving them back, having them perform missions and
7 then debriefing them and then eventual termination.

8 Mr. Reid. Were you aware of or participated in anything
9 that reflected extreme prejudice?

10 Mr. Osborn. Yes, I was. Let me explain that.

11 As I was running agent for 15 months in Vietnam -- I
12 arrived there in '67 -- I suppose I became operational after
13 six weeks in Vietnam. The operation was in the IKOR area
14 south of Sa-nang City. I lived in the civilian community under
15 a cover name and cover status in Da-Nang City. I was under
16 the cover of a GS-9 Department of Defense Civilian who was
17 attached to the civil Operations Program, specifically: USAID
18 Refugee Programs and so forth. I made my own covers. I was
19 given no official cover by any headquarters. I was just sent
20 there as a free agent to organize and to provide information
21 to use in combat.

22 The First Marine Division, Third Marine, various Army
23 units were in the area, but all American.

24 The reason I didn't work with any of the Vietnamese in
25 any capacity is that I performed unilateral operations which

1 are strictly illegal and against the Geneva Convention. I was
2 performing the kind of operation which, if discovered by the
3 South Vietnamese, would constitute a compromise for what we
4 call "a flap to the U. S. Government." I was sent there under
5 cover to perform illegal operations, targeting not only the
6 VC and the NVA, but also the South Vietnamese Government in
7 some operations which I got into, such as illegal green dollar
8 dissemination.

9 There were no restrictions on any legalities which we
10 used, or illegalities, and military intelligence, for instance,
11 calls us "extra-legal activity" which means it is justifiable
12 on the basis of the necessity to collect information. I
13 used whatever I needed to in the way of resourcefulness;
14 defined agents. Specifically I looked through the files of
15 construction companies in the area, American contractors. I
16 found people working only economy who spoke English and from
17 there I recruited my agents.

18 I had two nets at the time of, say, the spring of '68;
19 two nets being two principal agents under whom were subagents
20 running cells of people in a geographical area, each cell
21 constituting perhaps five people at one time. I had 40 to 50
22 people working under these two nets. Their prime objective
23 was to collect combat information; that is: names, locations,
24 size, plans, supplies of unit which were known to be or learned
25 through my nets to be operating in the area. I reported this

1 information to the combat units which I mentioned, and there
2 I found myself getting an extra product which I hadn't
3 expected and that was political information.

4 There were people reporting to me names of individuals
5 who were supposedly the Viet Cong sympathizers and cooperants.
6 I didn't expect this information and in fact, operationally
7 had no way to deal with it.

8 I reported this to the First Marine Division, G-2, that
9 is the Colonel who was the G-2 officer there and he said they
10 had no real capacity to deal with this kind of information, al-
11 though it seemed worthwhile information.

12 I disseminated it through them laterally and found I
13 got feedback reports from them in following up the effectiveness
14 of my data that were for the Phoenix Coordinator and I didn't
15 know what it was. I investigated this through the G-2 of the
16 First Marine Division and found the Phoenix Coordinator, in
17 fact, was an Army officer, a major who had a house in Da-Nang
18 City which was known in our intelligence community to be the
19 CIA operational headquarters.

20 I went there to find out if my reporting was being
21 effectively used. He told me: Yes, they knew of the informa-
22 tion that came through under my cover name and identified me
23 that way and asked me if I had much of this information. I
24 told him I came by a good bit and had a capacity to collect a
25 good bit more, and asked him how it would be used and he said:

1 According to the Phoenix Program.

2 The Phoenix description was that it was designed to
3 neutralize the core of the VC, interdiction politically,
4 logistically and so forth. I found myself in possession of
5 this information and in need of funds for my agents, because
6 Military Intelligence, although I had been assigned by them to
7 recruit agents, found themselves short on what Mr. Uhl des-
8 cribed as the Intelligence Contingency Funding and in fact,
9 had no money to pay the agents once they had been recruited.

10 I had recruited these people on promises of money to
11 come, but when it came time to pay I didn't have money so I
12 took what incentive gifts: cigarettes and liquor, that were
13 available and had them sold by interpreters on the black
14 market in order to get money for my agents' payment.

15 The Phoenix coordinator offered me not only the oppor-
16 tunity to utilize the political information I was getting, but
17 also additional/^{money}which I may have needed for my agents. From
18 that point on I had no real financial struggle and found my-
19 self not only able to pay my agents, but utilize CIA facilities,
20 such as Air America for transportation housing, covert housing
21 in the city areas where I needed it; such things as safe
22 houses which are areas to meet your agent covertly and debrief;
23 money to rent hotel rooms in order to meet them covertly;
24 agent payments, both overt money payments and incentive gift
25 such as an occasional motorcycle to a principal agent and so

1 forth.

2 From the time of my association with the Phoenix pro-
3 gram I no longer had any logistical problems. This is how the
4 information was dealt with; I gave it to them in reciprocity
5 for the money and information I received.

6 I would report an individual which had been reported to
7 me by one of my net on the assumption that my agent's addressee
8 was combat information which was high, was reflected directly
9 in their VCI information; that is to say they were consistent
10 through all kinds of information which they supplied to me and
11 we had a way of testing the combat information and found it
12 very effective.

13 I didn't question how they reported or how they selected
14 the individuals whom they reported other than the fact they
15 described them in their activities as Viet Cong. I reported
16 this both directly to the Phoenix coordinator in Da-Nang and
17 also combat using units and they would use it if they could.

18 The resulting interrogations are what I would like to
19 describe to you; that is: how the individuals reported were
20 dealt with by American personnel.

21 The First Marine Division was adjacent to the Da-Nang
22 Air Base. They had a Marine Division of the Third Wing an
23 Amphibious Force which was adjacent to the Air Base, and its
24 job was to protect the Air Base from attack by enemy, either
25 regular or irregular troops.

1 I at one point was reporting regularly people in that
2 area of Da-Nang Air Base who may have constituted a threat to
3 the air base's security. I remember at one time I reported an
4 individual who lived in a local village who was reported to me
5 by my local call as being a Logistical Officer for the local
6 farmers organization, which is the Viet Cong structure at
7 the village level, and the counter-intelligence team from that
8 unit went out and picked the individual up and detained him as
9 a suspected VC.

10 I went back the next day to check out the utilization of
11 my report and whether or not it had been accurately followed
12 through on and so forth. They told me they had the individual
13 detained there and I asked how they were going to deal with
14 him; and they said they were preparing to interrogate him;
15 would I like to attend the interrogation, and I said I would,
16 because I had never seen one. They said it would be an airborne
17 interrogation and I didn't quite conceive that. I went ahead
18 with the Marine officer who is a First Lieutenant, head of the
19 CI Team.

20 We took two Marine enlisted men and two Vietnamese males
21 in their 30s or so and we went out to the air wing and we got
22 on a helicopter and flew northwest of Da-Nang over some un-
23 inhabited area there of flat terrain.

24 Mr. Reid. What unit was that?

25 Mr. Osborn. Counter-intelligence team of the First

1 Marine Division.

2 Mr. Reid. Of the First Marine?

3 Mr. Osborn. That is right. They had a facility there
4 on the Third Marine Amphibious Forces air wing at Da-Nang
5 Air Base.

6 But we flew over some flat terrain, perhaps 20 miles out
7 of Da-Nang, and the two Vietnamese were bound with their hands
8 behind their backs and the two Marine enlisted men kept them
9 off in a sling seat inside the helicopter. The interrogation
10 began, not on the individual whom I had reported, but on the
11 extra person, and I didn't know who he was at first and found
12 out that he was a previous detainee who had already been in-
13 terrogated who had been beaten and who had internal injuries
14 and who was not able to respond to questions. They had brought
15 him along for the purposes of interrogation.

16 I found out the purpose was this: they antagonized the
17 individual and told him they needed certain information regard-
18 ing VC activities and he couldn't give it. He hadn't given the
19 information they wanted from him and they demanded it of him
20 and he couldn't respond or wouldn't respond. They antagonized
21 him several times by taking him with his elbows behind his back,
22 hands tied, running him up to the door of the helicopter and
23 saying: If you don't tell us what we need to know we are going
24 to throw you out of the helicopter. They did this two or three
25 times and he refused to say anything. He couldn't respond. He

1 wouldn't respond. Therefore, on the fourth trip to the door
2 they did throw him out from the helicopter to the ground.
3 That had the effect directly of antagonizing the person I had
4 reported, suspected Viet Cong Logistics Officer, into telling
5 them whatever information they wanted to know, regardless of
6 its content, value or truth; he would tell them what he wanted
7 to know simply because his primary objective at that point
8 would be not to follow the first Vietnamese out the door, but
9 rather to return safely to the ground.

10 Mr. Reid. That was a purposely, deliberate pushing
11 out the door?

12 Mr. Osborn. There was no question at all. This was
13 the reason they took this first individual up and the reason
14 that they antagonized him and went through the form of
15 threatening him and throwing him out three times.

16 Mr. Reid. Who gave the order that he should be pushed
17 out?

18 Mr. Osborn. The First Marine Division Lieutenant.

19 Mr. Reid. There was a Lieutenant on board?

20 Mr. Osborn. That is right. He was the counter-intel-
21 ligence team chief.

22 Mr. Reid. Do you recall his name?

23 Mr. Moorhead. I think maybe we had better not mention
24 names of people.

25 Mr. Osborn. IN all due respect, I do recall his name,

1 but I am not willing to go into that. You can see that that is
2 irrelevant. In fact, the form of the thing is what we are
3 talking about.

4 So that we returned to the ground and they proceeded
5 with the interrogation on their own. This happened, not once
6 as an aberration, but twice that I attended. The same air-
7 born procedure; the same dummy on the first hand who was an-
8 tagonized and then thrown from the helicopter; the second
9 person who was then interrogated and gave whatever information
10 they demanded of him.

11 They certainly did not know how to elicit information
12 from this person without brutality, for there was no real in-
13 terrogation session short of the brutalization.

14 I saw other interrogations, to describe them briefly:
15 the use of the insertion of the six-inch dowel into the six-
16 inch canal of one of my detainees' ears and the tapping through
17 the rbrain until he died. The starving to death of a Vietnamese
18 woman who was suspected of being a part on the local political
19 education cadre in one of the local villages. They simply
20 starved her to death in a cage there they kept in one of the
21 hooches at that very counter-intelligence team headquarters.

22 There were other methods of operation which they used
23 for interrogation, such as the use of electronic gear such as
24 sealed telephones attached to the genitals of both the men and
25 women's vagina and the men's testicles, and wind the mechanism

1 and create an electrical charge and shock them into submission.
2 I had a lot of conversations about the use of that kind of
3 equipment, although I never saw that used firsthand. I did see
4 the equipment sitting around but never saw it used.

5 Mr. Moorhead. Were these that you described conducted
6 by American personnel or --

7 Mr. Osborn. Americans only. These were unilateral
8 operations not in coordination or with the knowledge of the
9 South Vietnamese Government.

10 Mr. Reid. And officers were present as well as enlisted
11 men?

12 Mr. Osborn. Each time. These were my experiences with
13 reporting names of Vietnamese from my agents to American
14 agencies and the resulting interrogations.

15 They also used the CSD, Combined Studies Detachment,
16 which is light cover for the CIA in Vietnam, which was part
17 of the Phoenix Coordinator -- I should say the overall or-
18 ganization under which the Phoenix Coordinator existed in
19 Da-Nang.

20 Employed provisional reconnaissance units which were
21 small squads of Vietnamese military who were targeted on
22 villages and which, when military interrogations would not
23 take place, went out to the village to locate the individual
24 who was reported, seized that individual and theoretically
25 they would detain him. But officially they could not condone a

1 murder program overtly.

2 So, they assigned PRUs to capture these VCI suspects.
3 Naturally the PRUs knew unofficially it was preferable to
4 neutralize them rather than go through the administrative
5 problems and procedure of not only detaining this person and
6 keeping him alive to the point of being turned into the inter-
7 rogation center --

8 Mr. Moorhead. What was the PRU, again?

9 Mr. Osborn. Provisional Reconnaissance Units.

10 Mr. Moorhead. And they are Vietnamese?

11 Mr. Osborn. They are Vietnamese.

12 Mr. Reid. When you say "neutralize," please describe
13 what you mean.

14 Mr. Osborn. Killed on the spot. I knew, for example,
15 of readbacks from this treatment of Vietnamese who I reported
16 through the coordinator although I didn't know the identity of
17 the people in the provisional reconnaissance units, just the
18 fact they had gone and done their jobs; that is: to find the
19 people in their villages and to murder them there.

20 Mr. Reid. Is the PRU composed of U. S. or South
21 Vietnamese personnel?

22 Mr. Osborn. Primarily the provisional reconnaissance
23 units are Vietnamese military personnel. They have American
24 advisors, both military and civilians.

25 For instance, I knew people with the combined studies

1 attachment, that is: the CIA there, who worked with the PRUs
2 and also special forces officers for special forces personnel;
3 usually company grade officers; that is: second lieutenant
4 through captain, who worked with the PRU teams. They en-
5 couraged them unofficially on this method of operation. I
6 never saw it codified; that is, I never saw an official
7 directive that said the PRUs will proceed to the village and
8 murder the individual. However, it was implicit that when you
9 got a name and wanted to deal effectively in neutralizing that
10 individual you didn't need to go through interrogation; find
11 out establish any kind of factual basis leading to the con-
12 clusion that this individual was, in fact, Viet Cong infra-
13 structure, but rather it was good enough to have him reported
14 as a suspect and that justified neutralization.

15 After all, it was a big problem that had to be dealt
16 with expediently. This was the mentality. This carries a
17 semi-official or semi-illegal program to the logical conclusion
18 that I described here. It became a sterile depersonalized
19 murder program. I had no way, as I say, of establishing the
20 basis of which my agents reported to me suspected Viet Cong
21 infrastructure members. However, I had no reason to feel at
22 that time they were participating in any kind of a personal
23 vendetta, but there was no way to question that. In fact, the
24 description that individuals whom I reported further up by my
25 agents, were either categorical; that is to say: so and so, who

1 is a known Viet Cong member, or a known member of the Farmer's
2 Association, or whatever, is residing at such and such a spot
3 and does such things. There was no cross-check; there was
4 no investigation; there were no second opinions. And cer-
5 tainly not whatever official modus operandi had been des-
6 cribed as a triple reporting system for verification. There
7 was no verification and there was no discrimination. It was
8 completely indiscriminate and at best the individuals were
9 either able to escape capturing by the people who were to
10 pick them up and neutralize them or interrogated and let go.

11 I will say this: individually I never knew an individual
12 to be detained as a VC suspect who ever lived through an
13 interrogation in a year and a half, and that included quite
14 a number of individuals. That may be my experience; may be
15 a tremendous exception to the rule, but the experience of my
16 peers there and my own experience firsthand, which I can swear
17 to, and have sworn to, was categorically inhuman and with no
18 rhyme, reason or bureaucratic justification for a murder pro-
19 gram which had gone way beyond the level of any competence at
20 that level.

21 The corruption involved; that is, the reporting of
22 individuals for either the classic protection game or such,
23 any other program would be pure speculation on my part. What
24 are described here are things of my firsthand knowledge which
25 stand as a serious breach of any kind of human orientation or

1 any reflection of an accurate understanding of the Vietnamese
2 as we see our role in Southeast Asia officially.

3 Thank you.

4 Mr. Hooxhead. Thank you, Mr. Uhl and Mr. Osborn, for
5 this very unpleasant testimony. But I think it is something
6 we have to face up to.

7 So, I think you have rendered a great service to the
8 Congress and to the people of America.

9 Mr. Osborn, I would like to get a little more detail
10 about the financial operations of your activities. How much
11 money did you handle in setting up your network of Fed agents?

12 Mr. Osborn. At first I set them up for Military In-
13 telligence with no money.

14 I had the mission; the vague mission of operating in the
15 area covertly in alignment with my training at Fort Holabird
16 to establish the agents, but that was an assignment that was
17 understood to be my duty or my job in Vietnam.

18 I should tell you that out of maybe ten people who are
19 trained this way and sent to Vietnam perhaps eight of them
20 decide to use that year and their autonomy, which is oconstitu-
21 ted by their civilian status, and compartmentalization from
22 the military in the inference of security as the year in which
23 to have a vacation, take off of R&Rs and so forth.

24 Of the agent handlers who decide to do anything volun-
25 tarily there is very little support from headquarters. Agents

1 simply -- because there are bad communications. The lines of
2 communication were almost closed up. They assumed that we
3 would go, be as resourceful as we could, find a way to motivate
4 agents, extract information from them and feed it to combat
5 units.

6 But on requesting money as a necessary step in motivating
7 agents I found little or no response from the military. That
8 didn't mean I couldn't get money, because I did utilize what
9 things I could get sold on the black market in order to get
10 piasters to convert that to new piasters and give them to the
11 agents as payment and say: There is more to come. There is a
12 necessity to maintain the loyalty of the agents.

13 When I got fully operational and started to get un-
14 limited funds from the Phoenix Coordinator, which for a long
15 time was my only source of funds, agent payments amounted to
16 approximately 15,000 piasters per month for the salary of a
17 principal agent and perhaps another 10,000 for what we call
18 agent expenses for the principal agent.

19 Then under him would be four or five cell leaders who
20 were what they call "option agents" who were out in the field
21 actually helping to collect the information. Under each cell
22 leader there were four or five collecting agents. Their
23 salaries ranged from 2,000 to 10,000 piasters per month, depen-
24 ding on their efficiency, the amount of reporting and the
25 accuracy of the information.

1 If you would pay an agent on the amount reported
2 obviously you would encourage a paparmill. If you, shall I
3 say, if you would pay him in accordance with strictly the
4 accuracy of his information you would make him paranoid about
5 any kind of lack of accuracy.

6 So, these several factors brought the agent payments in
7 the field to two to ten thousand piasters a month, and cell
8 leaders maybe one and a half times that for the coordinating
9 duties in addition to the collection.

10 Support agents, such as couriers and so forth, were
11 paid various amounts of money ranging from nothing, a loyalty
12 factor, all the way up to, say, a thousand piasters per month.

13 Mr. Moorhead. Was there any bonus feature if a sub-
14 agent brought in some especially valuable information?

15 Mr. Osborn. Yes; always an allusion to that, but I never
16 paid a balance.

17 Mr. Moorhead. Did you have to account to anybody for
18 these expenditures?

19 Mr. Osborn. To Military Intelligence. There is an
20 intricate accounting mechanism on a standard form which has to
21 be letter perfect and without erasures, and that is the most
22 important, but almost no money.

23 On the Phoenix program I found no accounting necessary
24 and unlimited funds.

25 Mr. Moorhead. Is it true that the United States

1 provided funds to permit the Vietnamese to buy their way out of
2 the draft?

3 Mr. Osborn. Vary definitely. I can find examples that
4 I knew of firsthand. I couldn't get interpreters. (a) I
5 wasn't trained in Vietnamese; I wasn't trained at all to go to
6 Vietnam. I was trained in agent operations in the context of
7 Western Europe, which is the way it is taught in the Army.
8 When I arrived in Vietnam I didn't speak Vietnamese and I
9 needed to communicate to find agents and so forth. I looked
10 around for interpreters and found them in several contexts.

11 My first principal agent spoke English and that solved
12 that communication problem. After that I needed interpreters
13 in order to contact agents. I can think of one man in Da-Nang
14 City who was my interpreter for several months who was eligible
15 for draft, and I tried to get him out of the draft by getting
16 the Phoenix Coordinator to obtain a draft deferment for him
17 through one of the CIA elitist organizations. That has been
18 awhile ago, and I don't remember which one it was. It was
19 something like "civilian air regular defense group," but it
20 was one of the elitist organizations where they are authorized
21 a certain amount of draft deferments a year.

22 I asked if I could get one for him. They said they
23 would try. They didn't succeed, so they simply gave me the
24 money overtly for him to buy his way out of the draft board's
25 review in Da-Nang City. That cost us, if I remember, 15,000

1 piasters every quarter, and he was working for me for several
2 months and so it may be three or four months I gave him one
3 payment, I remember initially, of 15,000 piasters and then some
4 incentive gifts to give to people involved in the draft
5 selection program. But the 15,000 piasters was the main pay-
6 ment.

7 So, yes; we definitely had to pay people out of the
8 draft. I can remember two examples in Quang-Ngai Province
9 where I had agents reporting well and who were of a draft age
10 and who were susceptible to that and who reported through
11 channels to me or to the principal agent who they thought they
12 were working for that they thought they were in danger of being
13 drafted and we sent payments of 5,000 piasters apiece and got
14 results inasmuch as the individual kept reporting. Whether
15 he said that or whether he was really threatened or what?
16 But I know the 5,000 piasters which was very inexpensive, kept
17 the agent operating, which was our prime operation. That is
18 the nature of the current system in the draft as I experienced
19 it firsthand.

20 How it goes beyond that I don't know.

21 Mr. Moorhead. Mr. Osborn, were you ever ordered to
22 terminate any person? By this I mean to terminate with extreme
23 prejudice. I mean where you were ordered to murder any
24 Vietnamese citizen?

25 Mr. Osborn. Ordered. It was suggested by my

1 Operations Officer, who was a major, American Major in the
2 Intelligence Corps at one point that I neutralize in terminating
3 a principal agent whom I had and who had been found guilty of
4 corruption in the intelligence game.

5 Let me describe that.

6 This person was -- had been an interpreter for the
7 Coordinator of CIA activities in IKOR. He was simply an inter-
8 preter. He had no collective function. He was tri-lingual;
9 he spoke French, English and Vietnamese.

10 In the spring of 1967 he had been translating by inter-
11 preting by the CIA. They found that he was doing this: when
12 they would have two agents in for debriefing a day he would
13 interview them either on the side either at his house the night
14 before, or somewhere else but not with the knowledge of his
15 boss, the CIA personnel. He would coordinate their material.
16 He would debrief one and take information from that person and
17 give it to the other and cross, inform them of certain facts
18 and tell them to include that in their briefing. That way
19 there was a coordination of information and the agents were
20 assumed to be accurate.

21 Their payments went up; they increased their own income,
22 and the interpreter took a percentage of that increase. So
23 this was a corruption game he was into.

24 He was found doing that by the CIA. He was terminated
25 without prejudice by them.

1 In the fall -- this was in the spring of '67. In the fall
2 of '67 military intelligence personnel found him in his native
3 context, found he spoke English and went through the whole
4 procedure to rerecruit him. He sent his name for clearance
5 and came back from Saigon marked with all the markings appro-
6 priate, saying (a) he was not on the suspected Viet Cong list;
7 (b) that he had never worked for American intelligence before;
8 and (c) for all intents and purposes he was okay and could be
9 hired. He was recruited.

10 He was trained as a principal agent and at that time he
11 was asked if he had ever worked for American intelligence
12 before. He saw obviously there had been a bureaucratic lack of
13 communication and he said, as he knew it was necessary to say:
14 No; I never have; because if he had admitted it it would have
15 flapped him, compromised him. He was operational as a prin-
16 cipal agent until March of '68, about six months. He had
17 really gotten his net developed for about three months. He
18 was my main principal agent.

19 Mr. Moorhead. He was one of your main ones?

20 Mr. Osborn. Yes; he was running the net. That was my
21 main net at that time.

22 A black list or list of undesirable personalities came
23 out from the CIA on the 25th of March of '68 and he was on that
24 list, which surprised me and it was pointed out to me by my
25 operations officer that this person had obviously done something

1 to deserve being included on the black list.

2 I went to him; I questioned him again as to whether or
3 not he had worked for American intelligence before, and he
4 said: Why did I ask, and I said because I had learned of his
5 previous activities. I learned that, the details of it from
6 his previous employer, the Coordinator of CI activities in
7 IKOR. I knew him operationally and simply went to him and
8 asked him why and he told me.

9 At that time the agent admitted yes; that he had worked
10 for intelligence before; that h had been accused of this, but
11 actually he had not done it and that there had been an ulterior
12 motivation by the CIA to let him go and use that as an excuse.
13 I was told by military intelligence to go and to terminate
14 him, to get rid of him and to neutralize him and that was it;
15 to terminate him with prejudice.

16 I went to him and told him that (a) he had to return
17 all the equipment he had, which were things like a radio which
18 we used for emergency communication; a motorcycle which he used
19 for transportation which I had lent to him, a Yamaha, and some
20 other miscellaneous things, maps and so forth which I had given
21 him for his reports. He returned those things to me; (a)
22 because I needed the things for other operations, and (b)
23 because the maps and so forth were American maps and which
24 compromised him.

25 We sterilized him of any equipment I had given him and

1 told him what I had been told to do by my superiors.

2 Mr. Moonhead. What had you been told to do?

3 Mr. Osborn. I had been told to kill him, to terminate
4 him or neutralize him, which are all the same term. To
5 terminate him, let him go, would be one; then terminate him
6 with extreme prejudice would be to kill him. I was told by
7 this major to go to terminate him, to neutralize him, which is
8 to terminate him with extreme prejudice.

9 I met him by the Da-Nang River and told him what I had
10 been told to do. By the nature of our personal relationship,
11 I was going to do this -- I knew his wife and several children.
12 I said I would rather not do that but I was going to extract
13 one promise from him and that was that I would not see him in
14 any context, even on the street, for six months and he promised
15 me that I would not see him at all and I didn't. I knew where
16 he lived. It wasn't far from my house, and his wife worked at
17 an American installation right by my house. There was every
18 reason to see him, but I never did see him for six months.

19 After that I saw him with regularity driving on the
20 streets of Da-Nang. It is a very small community.

21 I didn't terminate him although I was told to. I went
22 back and told my superior that I had been, not been able to
23 find him; that at that time he probably suspected -- from
24 having got the equipment back and so forth, he suspected my
25 plans for termination and that he had evaporated; that he had

1 gotten loose. That was -- that is what I reported on what I
2 was told to do.

3 An agent handler in the army is given such autonomy
4 that he can do what he darn well pleases if he produces the
5 information. Military Intelligence knows of its record of pro-
6 duction and record of competence, which is low. Any Any

7 Any Military Intelligence personnel who has been with
8 operations, especially in Vietnam, will tell you that the
9 return rate is either inaccurate or insensitive, one of the two.
10 I would tend to think it is inaccurate and insensitive. The
11 terminations were in two forms. The agents were either the
12 one I described in Da-Nang, that kind of thing, and the
13 official report went in from the battalion headquarters. But he
14 was taken off the rolls and considered neutral.

15 The VCI were overt in murder, and that is the experience
16 that I had firsthand.

17 Mr. Moorhead. Do we have questions from the other
18 members at this time?

19 Mr. Reid.

20 Mr. Reid. Thank you, Mr. Chairman. I would like first
21 to thank Mr. Uhl and Mr. Osborn for their testimony. I
22 recognize that it is extremely serious; that it is not easy to
23 testify on these matters. I know that you are doing so out of
24 concern for a principle and hopefully putting an end to prac-
25 tices which most of us think are totally reprehensible.

1 I would like to ask both of you several questions. Some
2 of them are broad in scope and sensitive. Should you feel
3 that you can better testify in Executive Session or feel, out
4 of concern for the rights of the individual that you should,
5 I wish you would feel completely free to so state.

6 I gather, Mr. Osborn, that you were present when one
7 individual was terminated by being thrown out of a helicopter,
8 and then you referred subsequently to three instances where
9 individuals were tortured; one with a dowel going in the ear
10 to the brain; the second was a woman who died of hunger in a
11 cage. I think you mentioned one other instance.

12 Were you present on each of those occasions?

13 Mr. Osborn. Each. Let me describe that.

14 The first individual, the one with the dowel in his ear,
15 had been reported by my agent and I went back to follow up the
16 report. I was told: Yes, they were in the course of interro-
17 gating him then and would I like to see the interrogation.

18 I went next door to the hooch, the interrogation build-
19 ing with the lieutenant who was the team chief. As we got to
20 the hooch they were carrying out his dead body. They were
21 embarrassed to say that they had punctured his brain and killed
22 him in the course of interrogating him. They had gotten no
23 information from him; they had only tortured him to death and
24 they were embarrassed, because at that time it became obvious,
25 the brutality with which they treated this person.

1 The main crime in their minds, of course, they made a
2 mistake in not having extracted information before this. They
3 were embarrassed in having gone too far and having been too
4 brutal.

5 The Vietnamese woman who was starved to death was in a
6 small cage. There were four divisions of that same cage.
7 She was in one of them daily as I would go there. I kept
8 observing her there, along with no furniture, no facilities
9 of any kind, just a bare hooch, bare cage. I would see her
10 daily and finally one day I asked what happened to her. I
11 noticed physical -- for one thing she became weaker. She used
12 to stand up and rattle the cage when I first got there. Then
13 she was sitting cross-legged on the floor daily. Then she was
14 in a prostrate position when I last saw her.

15 If it is to be graphic, that is how I saw her. One day
16 she wasn't there. I asked Lieutenant what happened to her.
17 He said: "She died of malnutrition." I asked had they fed
18 her. "No." Had they provided water. "No."

19 Mr. Reid. In each of these cases you testified an
20 officer was present. Was that a Marine officer or military
21 officer of the Army?

22 Mr. Osborn. Marine Intelligence.

23 Mr. Reid. And this was attached to the First Marines
24 of the Third Amphibious Force?

25 Mr. Osborne. The First Marine Division.

1 Mr. Reid. Did you, as an individual, in any one of
2 these three cases talk to high authority or a superior officer
3 to express your horror or concern over what had happened; in
4 the case of the woman who was starving to death, did you do
5 anything to raise the question of her health and her conditions
6 with any higher authority?

7 Mr. Osborn. No; I did not. Let me explain that my
8 status there was illegal and the activity which I performed was
9 illegal. That was by mutual agreement between all agent
10 handlers and the armed forces.

11 Mr. Reid. Let me ask just there by way of clarification
12 what you are subsequently going to say.

13 At Fort Holabird or subsequent operations with CIA or
14 with the Marines or Army officers concerned was anyone aware
15 of something called "The Geneva Convention," or the Convention
16 Concerned with the protection of civilians, which states with
17 the signatory. Were you ever explicitly told to pay no atten-
18 tion to these documents and were you told explicitly you were
19 to do illegal things irrespective of the convention?

20 Mr. Osborn. The first questions dealing with the
21 Geneva Accords, let me say they were never mentioned during the
22 six months training course at Holabird. I believe if they had
23 been raised they naturally would have had to be dealt with.
24 It was impossible to say these are the rules and these aren't;
25 for instance, the rules of humanity involved, and we were going

1 to supercede them without demoralizing some of the trainees.
2 They weren't dealt with at all.

3 The easier way to deal with them is to avoid them, and
4 that is what they did, in fact.

5 Mr. Reid. Does Holabird deal with termination by
6 extreme prejudice?

7 Mr. Osborn. Yes, it does. Termination is described
8 along with all other modus operandi of agent operations in a
9 classified manual which advocates the extralegal, illegal, and
10 covert activities which I described in a manual called "The
11 Defense Collection Intelligence Manual."

12 Mr. Reid. Mr. Chairman, without objection I would hope
13 that we might direct the committee staff to obtain a copy of
14 that manual.

15 Mr. Osborn. Yes; that is a classified manual with an
16 inch thick and about 8 by 10 and classified, I believe:
17 "Secret."

18 Let me describe this. The Defense Intelligence Collec-
19 tion Manual acronym is DICOM, and that was my base reference
20 for the course which is given at Holabird to train people in --
21 now it is a course under the cover of Area Intelligence
22 Specialists, and the MOS numbers are for Officers 9668 and
23 enlisted men 9640.

24 The base reference for that is an illegal manual.

25 It describes termination, to answer your question, in

1 all respects, as I remember.

2 Mr. Moorhead. If you want to give us classified informa-
3 tion, please tell us that. We will go into Executive Session.
4 But otherwise we will assume what you are giving us is just
5 names of documents.

6 Mr. Osborn. I wouldn't say anything in reference to
7 that that hasn't been in print already.

8 Mr. Moorhead. Thank you.

9 Mr. Reid. I wanted to ask you next whether this kind
10 of activity, for example, as you mentioned, were known to
11 higher headquarters and to commanding generals, or was this an
12 operation kept so secretly that only those intimately involved
13 were aware of it?

14 Mr. Osborn. The operations in Vietnam?

15 Mr. Reid. Of the kind you are talking about.

16 Mr. Osborn. Yes; those were the official operations
17 and the only kind performed by my battalion of the 525 MI
18 Group. The first battalion in Da-Nang City, four battalions,
19 one in each corps area, had the function of coordinating covert
20 collection activity. That was its mission.

21 Yes; it was official. And: yes; it was known by superior
22 officers. They were visited regularly at our operational
23 building, which was on the command post of the First Marine
24 Division outside Da-Nang and where we operated in a classified
25 manner under the cover of classification programs by colonels

1 who came up from headquarters to review our operations and we
2 briefed them with regularity. So they were quite aware of
3 what was happening and they advocated more of the same.

4 Mr. Reid. When we talk about the PIC, the Province
5 Intelligence Center, did this center have liaison with the CIA
6 as well as MI or Intelligence Officers?

7 Mr. Osborn. I am sorry, Mr. Reid, I can't answer that
8 because I didn't know the PIC inasmuch as I didn't cooperate at
9 all with Vietnamese operations. As I say, I was there extra-
10 legally and my job was, in part, to keep all that secret from
11 and compartmented from the Vietnamese. So I wasn't into any
12 of their --

13 Mr. Reid. Did you have access or see any of the
14 dossiers prepared beforehand?

15 Mr. Osborn. The dossiers on my agents which worked for
16 and supplied information to Phoenix and for which Phoenix
17 acted without any further need of proof were kept in my files.
18 That was in a large safe in my office. I saw no other agent
19 files from the Phoenix Coordinator program because I was --
20 each agent handler, as each agent, is compartmented from one
21 another for security reasons.

22 Mr. Reid. Mr. Chairman, I think both Mr. McCloskey and
23 I would like permission to have Jerome Waldie's statement or
24 testimony inserted at the appropriate point in the record.

25 He wanted to be present today, but was unable to do so.

1 But he did ask me to ask one or two questions.

2 Mr. McCloskey. Will you yield for just a minute?

3 Mr. Reid. Certainly.

4 Mr. McCoskey. If I may, Mr. Chairman, I have a copy
5 of Mr. Waldie's statement. It appears in the Congressional
6 Record, G-3322, April 2, 1971. I offer it for insertion into
7 the record at this point.

8 (The document referred to follows):

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1 Mr. Reid. He made the point to me there were three
2 categories of dossiers on Viet Cong Infrastructure: A, B, and
3 C; C being suspects and least reliable. He said it was his
4 impression that material he had seen was very fragmentary; not
5 in the main reliable, and so far as he knew not subject to any
6 kind of cross check or cross-verification, and that frequently
7 those in Category C were those who had said things that were
8 politically unpopular and not necessary from what limited
9 judgment he could bring to bear from looking at these and
10 talking to those in Vietnam, not necessarily VCI at all.

11 Would either of you, either Mr. Uhl or Mr. Osborn, care
12 to comment on the reliability of the dossiers?

13 Mr. Uhl. Well, as I think that was made implicit in
14 my statement: we have no dossiers. People that were classified
15 as VCI as a result of my MI patrols were done so after they
16 had been killed, and other VCI classified by the MI team were
17 people who had been classified as civil defendants. These
18 people were, in most cases, as I stated: women, children, or
19 perhaps old men. They were classified as members, as low as
20 you could get, members of women's associations, farmers'
21 associations, children's associations; such as this.

22 So, at that level there was not even -- this is the
23 concept of dossiers not even being implemented.

24 Mr. Reid. Well, the thrust, I think, of some of your
25 testimony, Mr. Uhl, was: there might be as many as thousands

1 upon this list who could, because of the casual character of
2 the information, be quite improperly placed on that list and be
3 quite innocent of what that list implied. Is that a correct
4 inference from your testimony?

5 Mr. Uhl. Yes; that is correct.

6 Mr. Reid. If I understand you correctly, Mr. Osborn,
7 there was times when someone was on a list which was the
8 equivalent of really sealing and signing a death warrant by
9 virtue of the fact that he was merely on there and therefore
10 subject to what you term "immediate neutralization," or subject
11 to capture and as per the procedures outlined in the quotas,
12 subject to quota sentencing?

13 Mr. Osborn. That is correct.

14 Mr. Reid. Mr. Chairman, I have utilized my five
15 minutes and I would like to yield.

16 I would simply like to say that I think this program is
17 without parallel in U. S. history. I have long felt that we
18 should have had never anything whatsoever to do with it and
19 the sooner we stop it completely and insist that the South
20 Vietnamese stop it dead in its tracks and anything to do with
21 it, the better; that it is a total and clear violation of the
22 Geneva Convention. It places our officers and men in totally
23 impossible situations and it is precisely the kind of thing the
24 United States is opposed to.

25 Here we are participating in it or directing it, as the

1 case may be. It seems to me, Mr- Chairman, in the wisdom of
2 the committee, and perhaps in Executive Session we should call
3 higher officers in higher authority to hear in greater detail
4 how they can continue to permit this to go on. I would assume
5 that such testimony the committee might wish to hear, both from
6 the commanding general of the Marine Corps and appropriate
7 officials from the Army, and other officials. I do not see
8 how this committee can, with any kind of conscience at all,
9 permit this to continue.

10 I merely would like to thank our witnesses for their
11 statements today.

12 Mr. Moorhead. Mr. McCloskey.

13 Mr. McCloskey. Thank you, Mr. Chairman.

14 Mr. Osborn, what was your rank in 1967-68 when you were
15 in Vietnam?

16 Mr. Osborn. My actual rank was a PFC, that of a private
17 firstclass.

18 Mr. McCloskey. Yet as part of this battalion you were
19 in charge of a network of 40 or 50 people working under two
20 primary agents?

21 Mr. Osborn. Yes, sir; I was.

22 Mr. McCloskey. Your period in Da-Nang City was in the
23 period precisely --

24 Mr. Osborn. Precisely from November '67 until December
25 of '68 in Da-Nang.

1 Mr. McCloskey. Mr. Osborn, you have described Marine
2 Officers present in what you referred to as Airborne Interro-
3 gation. Would pilots of those helicopters also be Marine
4 officers, to your recollection?

5 Mr. Osborn. They were Marine helicopters, I know.

6 Mr. McCloskey. They were Marine helicopters, and from
7 what place in Da-Nang did you take off for these airborne
8 interrogations?

9 Mr. Osborn. From the Marine Air Wing, which is on the
10 East -- I am sorry -- it is on the far side of the Da-Nang air
11 base from Da-Nang City on the near side of the First Marine
12 CP.

13 Mr. McCloskey. Now, you were present on two such air-
14 borne interrogations?

15 Mr. Osborn. Right.

16 Mr. McCloskey. Do you recall the type of helicopters
17 used?

18 Mr. Osborn. Yes, I do. They were Sikorskey helicopters.

19 Mr. McCloskey. Sikorskey helicopters?

20 Mr. Osborn. I am afraid I am lacking in specific
21 number description.

22 Mr. McCloskey. They are entered by a door on the side?

23 Mr. Osborn. They are.

24 Mr. McCloskey. With a pilot and co-pilot sitting
25 forward in a separate compartment?

1 Mr. Osborn. That is right.

2 Mr. Reid. Would my colleague yield?

3 Would they have been called Huey's?

4 Mr. Osborn. No; they were not Hueys.

5 Mr. McCloskey. In these interrogations airborne
6 operations who exactly were in the compartments besides your-
7 self?

8 Mr. Osborn. One Marine officer, two Marine enlisted
9 men, American; two Vietnamese, the suspect.

10 MR. McCloskey. The two --

11 Mr. Osborn. Vietnamese suspects.

12 Mr. McCloskey. In each case was one of those Vietnamese
13 thrown out of the helicopter at the direction of the Marine
14 officer present?

15 Mr. Osborn. Yes, sir.

16 Mr. McCloskey. Do you recall the rank of the Marine
17 officer?

18 Mr. Osborn. Yes, I do. It was the same individual
19 both times.

20 Mr. McCloskey. And this was from the counter-intelli-
21 gence section?

22 Mr. Osborn. That is right.

23 Mr. McCloskey. Of the First Marine Division.

24 Mr. Osborn. That is right. As a matter of fact, to be
25 clear, the first time we had an airborne interrogation this

1 individual was the First Lieutenant. The second time he was
2 a captain. He had been promoted in the Marine Corps.

3 Mr. McCloskey. The same individual?

4 Mr. Osborn. Same individual.

5 Mr. McCloskey. And Mr. Osborn, to your knowledge what
6 was the highest ranking Marine officer during your period
7 there who was familiar with the operations of this Military
8 Intelligence or Counter-intelligence operation?

9 Mr. Osborn. The highest ranking would have been the
10 Full Colonel who was the Marine G-2 that I knew of.

11 Mr. McCloskey. The G-2?

12 Mr. Osborn. The G-2 officer, the intelligence officer
13 of the Marine Division who worked under, I believe it is:
14 General Davis, who is a Brigadier General and a Commander of
15 the First Marine Division. He has, as you know, a five-piece
16 staff: G-1 through G-5, and this was the G-2 officer who was
17 the First Lieutenant of our management and promoted to full
18 colonel during his tour there.

19 Mr. McCloskey. Can you state the precise facts that
20 support this statement that this colonel was fully familiar
21 with these airborne interrogations and the deliberate murder
22 of the Vietnamese detainees? How did he know this; what did
23 you see him do or say?

24 Mr. Osborn. Sir, he was aware of the counter-intelli-
25 gence mission, the methods of operation and specifically he was

1 familiar with my operations, because I was his main supplier
2 of agent information. We had a good liaison and a clear
3 report.

4 Whether or not he was knowledgeable of those airborne
5 interrogations I do not know, although he was totally familiar
6 with the commander of that CI Team and what they were capable
7 of and the nature of their facilities there to include inter-
8 rogations hooch there, but I don't know --

9 Mr. McCloskey. Let me go to that interrogation hooch.
10 That was located where with reference to the Marine operation?

11 Mr. Osborn. Within a small confine of maybe half a
12 dozen hooches of the counter-intelligence team.

13 Mr. McCloskey. Is that on the Marine Corps Base?

14 Mr. Osborn. That was adjacent -- that was between the
15 first Marine Division CP and the Da-Nang Air Base within the
16 confines of the Marine Air Wing, which is the Marine Subdivision
17 of the Da-Nang Air Base.

18 Mr. McCloskey. Did you see personally this colonel in
19 this hooch?

20 Mr. Osborn. No; I say he was totally familiar with the
21 operations as they existed. Whether or not he knew of the
22 results of his airborne interrogation or whether he knew
23 specifically of the man who died with the dowel in his ear or
24 the particulars, I don't know. I know that I briefed him several
25 times on agent findings, and he was the commander of the

1 intelligence effort and under him came that CIT.

2 Mr. McCloskey. The problem that we face is, of course,
3 is that the Generals and the Ambassadors who testified for us
4 universally say that they have no knowledge of any torture, of
5 any brutality that is reported sometimes occasionally and comes
6 to their attention.

7 Mr. Osborn. Yes.

8 Mr. McCloskey. We have had unequivocal testimony from
9 the people engaged in the collection such as to these facts.
10 Can you give us any enlightenment of where this procedure
11 breaks down; were the generals lying? Are the Ambassadors
12 lying when they produce documents such as their Phoenix acti-
13 vities that no one is to engage in assassinations? Where is
14 the breakdown?

15 Mr. Osborn. The breakdown is in the vested interest in
16 of the individuals who must participate in these programs,
17 approach whatever programs are authorized in the interest of
18 their own promotions.

19 Mr. McCloskey. Let me see if I can particularize that.
20 I can understand the attitude of a lieutenant or sergeant, or
21 captain charged with producing intelligence, using illegal
22 methods to get that intelligence and declining to tell his
23 superiors what methods he had used. Can you give us any
24 examples of this?

25 Mr. Osborn. Yes; the nearest I can come would be the

1 briefings we gave army colonels of our operations and when we
2 described an agent net and its coverage and its capacity and
3 so forth, size, we never mentioned the interrogations which
4 were as a result of the information collecting that was done.
5 It wasn't considered necessary and nowhere would it ever
6 appear in an official report.

7 Mr. Reid. If my colleague would yield on that point.

8 You mentioned in the first of the airborne interroga-
9 tions that one of two suspects was there because of information
10 you had supplied.

11 Mr. Osborn. Yes.

12 Mr. Reid. Did you subsequently report either what
13 happened to that individual or the individual that was in the
14 plane, another suspect, and who I believe you said was pushed
15 out on orders of the First Lieutenant. Did you report that
16 incident of what happened to any authority?

17 Mr. Osborn. No. Let me make that clear. I think this
18 covers both questions.

19 Mr. McCloskey, you asked where the breakdown in that
20 system is. The breakdown comes, obviously, between the field
21 and the command level, or as the command level reports
22 officially the programs which they are commanding.

23 Now, the way that happens is this: the programs in
24 Vietnam are administered without any kind of cultural orienta-
25 tion to the Vietnamese.

1 Now, I before today that I was trained for six months
2 at Fort Holabird to run agent operations and subsequently my
3 only assignment before being released from active duty before
4 three years was Vietnam, and I stayed an extra three months to
5 finish up those operations.

6 I got to Vietnam and found myself, for all intents and
7 purposes totally incompetent to do the job I had been assigned
8 to do because I didn't know Vietnamese. I spoke German. I
9 didn't know anything about the Vietnamese. It wasn't until
10 right before the TET offensive that I knew of the existence
11 of TET. I can give you numerous example of lack of insight,
12 not only the context which I was working, that is the struc-
13 ture, even the American structure, let alone the Vietnamese
14 value system, priorities and so forth.

15 Mr. McCloskey. My concern, though, is this: that how
16 far up in the command structure does the intelligence collec-
17 tion procedure -- how far up in the command structure is the
18 torture, the brutality, the assassinations fully known to those
19 in command and in charge of completing the mission? Does it
20 go up to the captains, the majors, the colonels, the generals,
21 the Ambassador?

22 The reason I ask this question is that we have something
23 unique in American history here. We have a United States
24 Ambassador in overall charge of what goes on in Vietnam and the
25 generals serving under him. You have described a PFC in the

1 army running a network of 50 agents in the military, and yet
2 your funds come from a civilian agency in the government: the
3 CIA, in order to implement this. The CORD operation has been
4 described as an interrelationship of AID with one budget and
5 the military with another, but with a chain of command where
6 military and civilians intermix. Somewhere in this procedure
7 in this chain of command the professional military officer who
8 is charged with not permitting assassinations or brutality,
9 somewhere he is aware of this and either he does not report it
10 to his superiors or does not disclose it to anybody. Where in
11 that chain of command -- how far up does this knowledge go?
12 We have been told here in the Congress -- we make the laws
13 here -- we have been told by the highest ranking people in our
14 State Department and military that torture is not permitted;
15 assassination is not permitted; that written documents are
16 put out that preclude any of these things. Do those gentlemen
17 know that are telling us these things? Are we receiving lies
18 or ignorance?

19 Mr. Uhl. Mr. McCloskey, I would like to speak to
20 that.

21 The principles of Nuremberg were codified by the United
22 Nations, I think, in the early 50s and later ratified by the
23 Supreme Court, thus became the supreme law of the land.

24 Policies we have used in Vietnam are in direct viola-
25 tion of these treaties and the convention in which they are

1 signatories. It is these policies that establish constraints
2 on combat behavior in Vietnam.

3 When you operate in free fire zones, when you use a
4 body count to measure your success, the inevitable outcome of
5 this type -- using these types of policies is what we are dis-
6 cussing here today. Many people have testified in ad hoc
7 hearings before the press, et cetera, et cetera, concerning
8 these instances you mentioned.

9 One person I would like to mention by name, because he
10 is a perfect example, is Lt. Colonel Herbert, who brought
11 charges against a general and a colonel for dereliction of
12 duty for allowing torture to go on in their commands. I would
13 make a recommendation that this committee, if possible, hear
14 Lt. Colonel Herbert.

15 Mr. McCloskey. Let me go back on this. The point I am
16 getting at is the search for truth. This committee is in
17 charge of government information. We try to search from the
18 truth. Somewhere we are not getting it from the higher
19 eschelons. Do you have any record or any experience where you
20 were told by higher command authority not to discuss these
21 things; not to make written reports which included reference to
22 brutality. Are there any references to Holabird, for example,
23 in which you were instructed these were not to appear as public
24 record if brutality and tortures were conducted?

25 Mr. Osborn. Let me answer that question this way, Mr.

1 McCloskey: during that course at Holabird we were taught
2 primarily the necessity to have illegal and uncondoned opera-
3 tions in the interest of getting information. The basic pre-
4 mise to the whole six months of training, including exercises
5 all over the United States, where we infiltrated cities and
6 operated covertly undercover names and so forth, was all to one
7 point, and that was that we would learn to think and operate
8 in a mentality that was illegal and against the values of the
9 society in which we were operating based on the rationaliza-
10 tion that this had to happen in order to extract information
11 which is: (a) not the truth; and (b) a process which inevitably
12 leads to the kind of illegal and inhuman activity which is then
13 promulgated in the field.

14 If you start with the euphemistic direction and instruc-
15 tion to disregard any values which are involved with the
16 society or the context in which you are working and that is
17 officially condoned, and you get to the field where you ex-
18 perience the kind of cross-cultural lack of communication and
19 the resulting frustration, and the racist kind of treatment
20 which is given to the Vietnamese from the point of training in
21 the United States, and the mentality that accompanies it as a
22 result you inevitably end up with indiscriminate murder, tor-
23 ture and whatever other horrors are involved.

24 Mr. McCloskey. Mr. Osborn, what I am trying to do is
25 put myself in the position of this Marine Colonel who was the

1 G-2 at the Marine base. I know the training the Marine gets
2 and the professional standards which he adheres to and which
3 he is held to and no part of it justifies torture or brutality
4 by anyone under his command. You have described this and what
5 I am trying to understand is how a Marine Colonel could run an
6 operation of this kind or be in charge of operations. Does
7 he deliberately stay away from learning about these facts?
8 Does he not get near these areas so he won't have to see or
9 report or understand what is going on? How do you appraise
10 that G-2 officer at Da-Nang City who has had these things going
11 on under his command?

12 Mr. Osborn. I knew him and I think that I could
13 speculate. This man would have a real reason not to know what
14 the method of collection was under him, and if he had a sniff
15 or a suspicion of it he would not go down to that interrogation
16 hooch to see what was happening. He would send a directive to
17 his field grade officer or his captain, asking what
18 pening, and there lies the answer to your question.

19 The directive which would be returned to him would
20 obviously not be: Yes, as a matter of fact, we are starving
21 people to death down here or torturing them to death or
22 throwing them out of helicopters indiscriminately.

23 The answer that he would get would be that the CI team
24 is in fact, extracting the information which is necessary to
25 feed such condoned programs as the Phoenix Coordinator Program

1 and that would satisfy him.

2 Mr. McCloskey. Was this also true in your Army chain
3 of command when you reported up and briefed the colonels, did
4 you describe the torture?

5 Mr. Osborn. No; anything but.

6 Mr. McCloskey. You had been instructed, however, at
7 Holabird by senior Army officers that torture was a necessary
8 part --

9 Mr. Osborn. No; that illegal activity was a necessary
10 part.

11 Mr. McCloskey. But never torture?

12 Mr. Osborn. They never said at that time that torture
13 was advocated, but they constantly said that anything that was
14 necessary was a logical step in order to obtain what ends you
15 had been assigned.

16 Mr. McCloskey. Now, were the questions ever raised at
17 Holabird by any of the trainees or any subsequently in your
18 own training or your observation of training as to whether we
19 are justified, sir, in imposing torture?

20 Mr. Osborn. No; I don't think people at that time were
21 aware they were going into a program that would lead to the
22 kind of torture and indiscriminate murder that we are involved
23 in.

24 Mr. McCloskey. What was the highest ranking army
25 officer of your battalion that was ever present at a torture,

1 to your knowledge?

2 Mr. Osborn. This was what I observed in the Marines and
3 the highest ranking officer was a captain.

4 Mr. McCloskey. I might ask one final question.

5 A number of Congressmen have been privileged to go to
6 Vietnam to try to understand the facts there. Do you have any
7 recollection of any Congressional investigating team of the
8 Armed Services rather or otherwise ever being briefed in the
9 nature of these brutalities and tortures that you have des-
10 cribed?

11 Mr. Osborn. No; I don't.

12 Mr. McCloskey. Do you recall any discussion or instruc-
13 tion or direction from higher authority as to what your position
14 would be if any Congressman asked you any questions?

15 Mr. Osborn. We were never approached with an official
16 investigation, but this I will say will apply: we lived our
17 covers as part of the USAID Pacification Program with
18 Americans as well as everyone else. So I met State Department
19 people of a high rank I was always Mr. So and So of the
20 Pacification Program. This was nan overt lie.

21 Mr. McCloskey. Was this known to the State Department
22 people with whom you dealt and talked?

23 Mr. Osborn. They were about -- half of them were know-
24 ledgable, I would say.

25 Mr. McCloskey. What was the highest rank or office of

1 the State Department office there in Da-Nang City that knew
2 that you were not an AID at all, but Military Intelligence
3 operating an illegal intelligence-gathering program?

4 Mr. Osborn. FSO-3.

5 Mr. McCloskey. FSO-3, Deputy CORDS?

6 Mr. Osborn. That is right.

7 Mr. McCloskey. State Department Deputy CORDS personnel
8 in Da-Nang knew that military personnel would be operating
9 under cover ostensibly as members of AID?

10 Mr. Osborn. Yes.

11 Mr. McCloskey. Did they also know you were getting
12 CIA funding?

13 Mr. Osborn. They knew we were working with Phoenix and
14 they had been briefed on arrival in the country that any co-
15 operation with the "Agency" and that was the CIA, under CSD
16 there was part of their mission, and as a matter of fact, FSO-3
17 operated as an unwitting safe housekeeper for me because I
18 used to use his facilities to debrief and administer polygraphs
19 to my agents.

20 Mr. McCloskey. I just want to add for your own infor-
21 mation, Mr. Osborn, and for the committee's, that on several
22 occasions I have been privileged to visit Da-Nang City to ask
23 for full briefings on the Phoenix Intelligence-gathering pro-
24 ceedings by Marine and Pacification CORDS personnel, and on no
25 occasion has there been any reference to activities you

1 have described.

2 The individuals who briefed us indicated that the facts
3 were completely opposite to those that you and Lt. Uhl have
4 described this morning.

5 I might ask: were you decorated by the Army for your
6 services in this capacity?

7 Mr. Osborn. I hold the Bronze Star.

8 Mr. McCloskey. What does the citation mean?

9 Mr. Osborn. I never read it.

10 Mr. McCloskey. Thank you.

11 Mr. Moorhead. Thank you, Mr. McCloskey.

12 Mr. Uhl, in your prepared statement you stated most of
13 your CDs were women and children. Why was that?

14 Mr. Uhl. Well, we operated in Quang Ngai Province and
15 Quang Ngai Province has been traditionally a stronghold of the
16 NLF. Whenever we would go out on the trail and battalions
17 would go out on sweeps they would find there were no men around
18 or if there were men they were older men. Therefore, the
19 people picked up by these battalions or by us on our operations
20 were necessarily women and children.

21 The children, I say -- young girls -- I would say any-
22 body under 21.

23 Mr. Moorhead. You say that you could arrest and detain
24 at will any Vietnamese civilian we described. By whose order
25 or authority could you do that?

1 Mr. Uhl. Well, I remember one operation we had to
2 try to tighten up base security. I was supposed to, at that
3 time, single out any men of military draft age. At this one
4 particular time when we arrested and detained military-aged
5 males it was on the order of the S-2 who was the Major for the
6 Brigade.

7 On other occasions we did this unilaterally, just to
8 harass people in the City of Duck Foo. Infact, there were
9 occasions there were operations planned where people suspected
10 of being PCI were to be detained, had their families kidnapped
11 and to be detained in our interrogation center on the Brigade
12 Base Camp.

13 Mr. Moorhead. You describe on page 6 the information
14 was used for input to artillery strikes or bombing and so
15 forth. Would the information be that there are a group of
16 VC in a certain village; is that the kind of information on
17 which air strikes or artillery strikes would be based?

18 Mr. Uhl. It was generally even vaguer than that. We
19 would get information, a coded source would come into the
20 brigade, come into the CI hooch for debriefing and would indi-
21 cate, for example, that there was a patrol of a particular
22 force group operating in the areas, vicinity coordinates such
23 and such. That type of information was so vague that we could
24 not stage a military intelligence patrol. In other words, if
25 we could -- if got information that said there was a possible

1 rice cache, weapons cache, VCI spy or whatever, we would try to
2 initiate a patrol on our own. However, it was so vague and
3 just referred to the VC movement.

4 We would type out this report and send a copy over to
5 the artillery and other liaison officers. They would use this
6 unverifiable information as input that evening for harrass-
7 ment and interdiction or if they had some other information
8 they would try to feed into that.

9 Mr. Moorhead. Mr. Osborn, I think one point in your
10 testimony you used the word "illegal green dollar operation."

11 Mr. Osborn. Yes, sir.

12 Mr. Moorhead. Are those the correct words?

13 Mr. Osborn. Yes, sir; that is a vague reference which
14 I made for it. We had discovered in the course of my getting
15 all kinds of miscellaneous information reported by my agents
16 that there was a green dollar net in the Da-Nang area, which
17 meant that that was probably the central point for collection
18 of green dollars in North and South Vietnam.

19 Mr. Moorhead. What do you mean by "green dollars?"

20 Mr. Osborn. American green dollars as opposed to
21 military payment certificates.

22 The idea was that these green dollars would be scraped
23 up in the bars, the houses of ill repute and other Vietnamese
24 establishments, which is the heart of the economy there, and
25 exported to an unknown spot where they would be used as the

1 most stable type of currency in Asia to procure whatever sup-
2 plies would be used by the enemy, and we tried to get an
3 operation organized to trace that net of green dollar supply,
4 export, and during the time of my tour in Vietnam I guess I
5 worked toward that end for about six months, worked on that for
6 about six months on and off and never got it established.

7 My successor there, who I met in the States after he
8 returned, said that they eventually scrapped the program,
9 although we did spend considerable time and energy trying to
10 justify this as an operation to military intelligence.
11 Phoenix wasn't interested in it. Military Intelligence de-
12 cided it wasn't worth funding, so we never got off the ground.
13 That was the green dollar concern.

14 Mr. Moorhead. No interest in tracing down how this
15 operation took place?

16 Mr. Osborn. No; they have what they call an operational
17 plan for that, which was simply a long and involved report on
18 how you would go about an operation. First the justification
19 for it, then the need for this operation. Second, the idea of what
20 you would accomplish, and third, the implementation of it.
21 This was quite an extensive report that you would submit to
22 MI Headquarters in Saigon of any operations that you would
23 start. At that time I got the official reading from Saigon,
24 one of the few official directives I ever got in Vietnam, was
25 that that was of no peripheral concern to our mission and that

1 was that.

2 Mr. Moorhead. Mr. Reid.

3 Mr. Reid. Thank you, Mr. Chairman.

4 Mr. Osborn, did you have any subsequent government
5 employment when you returned from Vietnam?

6 Mr. Osborn. Only casually. I was approached again by
7 some people with whom I was operational there under Phoenix,
8 one person in particular, and asked if I would help motivate
9 some of the agents who had worked while I was there. I had
10 described hiring these people on the basis of the personal
11 loyalty out of necessity for lack of any other way to motivate
12 them. When I left they were not dependant on me as their
13 coordinator or handler, but the standard operating procedure
14 was not to say that you were leaving or going back to the
15 States, say, after a year's tour or stop your chore in leading
16 them, having stuck their necks out and operating covertly and
17 with a good bit of danger involved, that you were going to
18 give them up and go back to the States; pat them on the back
19 and leave them there for recrimination to your enemy.

20 Rather, you would introduce them to your successor, you
21 had to go back for a while so that the two of you would be
22 working together and one day you had announced to them in a
23 briefing that you had some very good news: that you were pro-
24 moted and sent to Saigon and that you had been promoted and
25 would be back in several months, if not before. It was up to

1 the new case handler or agent handler to follow through and
2 say Mr. So and So would send his records and give him a commen-
3 tary on how your family was and so forth.

4 It was all a sham so we wouldn't demoralize agents.

5 Mr. Reid. Specifically did you serve at CIA for a
6 period of time?

7 Mr. Osborn. Yes; I am sorry. That was my role there,
8 to keep in contact and promulgate the myth that they were still
9 working under the same program in personnel and so forth.

10 In other words, that we were being as consistent as
11 they were.

12 Mr. Reid. You were on the CIA payroll?

13 Mr. Osborn. I received casual payments from them for
14 expenses.

15 Mr. Reid. Casual payment for expenses.

16 Second: were you ever aware of a written order or an
17 oral order requiring that you as officers be present in in-
18 terrogation centers during any interrogation and/or torture?

19 Mr. Osborn. No; not at all aware.

20 Mr. Reid. Do you know of any interrogation that you
21 witnessed or heard about of significant character wherever a
22 U. S. officer was not present?

23 Mr. Osborn. The man who was killed by the dowel in his
24 ear was killed during a session with two enlisted men and
25 under -- the officer during part of that interrogation, I

1 know, was with me in an adjacent hooch and was not there
2 during the death of the prisoner.

3 Mr. Reid. But during earlier interrogation he was
4 present and was aware of the dowel?

5 Mr. Osborn. He had directed the start of the interro-
6 gation; definitely.

7 Mr. Reid. Are you aware, do you have any knowledge of
8 torture, killing or other mistreatment of prisoners of war?

9 Mr. Osborn. Taken in combat action?

10 Mr. Reid. Yes.

11 Mr. Osborn. No, sir.

12 Mr. Reid. Taken in noncombat operation.

13 Mr. Osborn. The detainees, you see, were taken by the
14 military and detained as Viet Cong suspects. They are not
15 prisoners of war as a regular combat troop would be, but as
16 part of the VC Infrastructure, part of the enemy and when
17 arrested are termed detainees and those are the people I speak
18 of today.

19 Mr. Reid. You have no knowledge of those specifically
20 mistreated who were classified prisoners of war?

21 Mr. Osborn. No; I don't.

22 Mr. Reid. Mr. Uhl, one of the matters in your testimony
23 on page 6, which is shocking, is the following: You say, "The
24 unverified and infact, unverifiable information" that is to
25 say, if I may interpret that, has no basis in fact, "nevertheless,

1 was used regularly at input to artillery strikes, harass-
2 ment and interdiction of fire (H&I), B-52 and other air strikes
3 often on populated areas."

4 Then I think you indicated that you turned out a cer-
5 tain number of IRs, I think you said a dozen per week.

6 Would you care to comment on that? Am I correct in
7 assuming that therefore information which you had no great
8 confidence in was used for B-52 strikes and interdiction fire
9 on villages and on civilian population?

10 Mr. Uhl. As a matter of SOP we classified our reports
11 as unverifiable information. Often the coordinates that were
12 given of VC movement were -- located this movement right in
13 the middle of populated areas. So these, as I pointed out
14 before, these reports are then sent over to the artillery
15 liaison officer and used without further verification.

16 Mr. Reid. Were you aware or did you subsequently
17 verify or check the reports which you had sent in which had
18 clearly noted as being unverified were nevertheless used as a
19 basis for and resulted in interdiction fire, artillery or a
20 bombing by B-52s?

21 Were there instances of that, to your knowledge?

22 Mr. Uhl. Yes; there were.

23 Mr. Reid. Did you ever raise the issue with higher
24 authorities that it was one thing to provide information that
25 was verified and another when it wasn't verified and that

1 obviously unverified information should not be used as a basis
2 for strikes?

3 Mr. Uhl. This was a matter of policy in my unit.
4 Every tactical operations center had a map. I assume that
5 every general and senior officer is capable of reading a map
6 and they are capable of noting perhaps even more cleverly than
7 I am when coordinates fall in populated areas.

8 Our responsibility was to provide them with these
9 reports. They were clearly marked as unverifiable and they
10 chose to use them in this way.

11 Mr. Reid. You are familiar, are you not, with the
12 overall figures of Phoenix that indicate about 21,000 civilian
13 insurgents have been killed as part of the overall neutraliza-
14 tion of killing, rallying or capture, sentencing and I note
15 here that you say that: (a) Phoenix is a hoax; and (b) that
16 thousands of Vietnamese are indiscriminately classified as
17 VCI based on no specific targeting procedure; based on no
18 evidence.

19 Is the inference from that what it appears to be that
20 thousands got onto the Phoenix list with no real evidence and
21 made them subject either to killing or assassination or trial
22 with no due process?

23 Mr. Uhl. That is correct. I would like to detail one
24 or two instances for the record.

25 One was a patrol in which one of our coded sources came

1 in with information indicating that several VC Infrastructure,
2 several cadre members would be operating in a particular area
3 in Quang Ngai Province that particular day. If we went to that
4 area with American troops, say a platoon of DICON, that they
5 would withdraw to designated spider holes. It was normal

6 however we were on patrol for the Vietnamese to be hiding in
7 their bunkers and spiderholes.

8 Generally the only people we did find in these holes
9 were women and children and old men, as I pointed out. On this
10 particular occasion we felt this was pretty good information.
11 We called up the S-2 of one of the battalions, which we often
12 did. We went right to the battalion with our information so
13 we could exploit it immediately.

14 The Lieutenant Colonel, Commander Colonel, was impressed
15 with the information. He sent over his helicopter to pick us
16 up. We briefed him and he assigned his reconnaissance platoon
17 to us for this operation.

18 When we got to the area -- we had an interpreter -- we
19 put a cord around the area where we suspected the VCI to be,
20 and we proceeded to look for the spider hole. We found it.
21 We did not follow the procedure you are supposed to follow
22 when you find a spiderhole. That is: we did not open the hole
23 with a long stick and offer the people inside the opportunity
24 to choose force, surrender or rally. We put several Claymore(?)
25 mines on top of the hole and destroyed the entrance; threw in

1 a couple of M-26 Fragmentation grenades and several bursts of
2 M-16, subsequently caving in the hole. This forced us to go
3 around to the other side of the tree and open up another
4 entrance with a blast of plastique. Three bodies were pulled
5 from the hole; as I remember, every one of the men -- they
6 were. I would say, two of them in their 50s and one appeared
7 to be younger. They all had government identification cards.
8 None of them had any information on them, any documentation
9 that could lead us to suspect they were, in fact, VC infrastructure,
10 and one man -- two men were killed; two of the men
11 were dead, and one man was living. At first he appeared to
12 be dead and somebody noticed that he was breathing.

13 But one thing I would like to point out in this particular
14 instance is that this was my first patrol in Vietnam.
15 I wasn't really very sensitive to what the SOPs in intelligence
16 or combat --

17 Mr. Reid. Were these men subsequently reported as
18 VCI?

19 Mr. Uhl. Yes; one was reported as a tax collector and
20 one was reported as an economics cadre.

21 Mr. Reid. That was a pure figment of imagination because
22 they had regular government documents?

23 Mr. Uhl. Right.

24 Mr. Reid. Let me finally, Mr. Chairman, ask one final
25 question. Then I would appreciate both of you commenting, if

1 you would.

2 I want to be totally fair and totally objective, because
3 I think it reaches in part to the heart of the responsibility
4 for this reprehensive operation which the United States has
5 been involved in.

6 This is the question I asked Mr. Colby, Ambassador
7 Colby. I might say parenthetically for the record, both I
8 think in his testimony before the committee and privately with
9 me he took full responsibility for the Phoenix Program.

10 "Mr. Reid: The reason I am pursuing this a little bit
11 is that the testimony before the Senate is replete
12 with some indications and from explicit reports that
13 at times the district coordinating center or the
14 senior advisors have admitted they made mistakes or
15 not certain of their information.

16 "My question is: are you certain that we know a member
17 of the VCI from a loyal member of the South Vietnam
18 citizenship?

19 "Ambassador Colby: No; Mr. Congressman, I am not."

20 "Mr. Reid: The answer to that seems to be no; at least
21 in some cases. Therefore, there is the possibility
22 that someone will be captured, sentenced or killed, who
23 has been improperly placed on a list without adequate
24 verification. It is it inadequate, my question goes
25 back to the first point: isn't that a reason for making

1 sure that legal proceedings are totally fair?"

2 "Ambassador Colby: I certainly would like to see them
3 improved and we have been working on seeing them im-
4 proved. I think they are considerably improved. As I
5 said, I do not think they need the standards I would
6 like to see applied to Americans today."

7 Mr. Reid. Could either of you comment on either the
8 standards or procedures in any degree to your knowledge while
9 you were there as to their being improved or changed?

10 Mr. Uhl. I was in Vietnam for only five months.
11 During this period there was no change in those procedures.
12 One change I would like to mention.

13 The interrogation officer in my team was a Second
14 Lieutenant at the time that I was assigned as a chief of the
15 team. He remained with the team for about four months. He
16 was relieved of his duty because he refused -- and I would
17 like to stress -- he refused to continue practices of torture,
18 and the classification indiscriminately of women and children,
19 or any suspect, any detainee, I should say, as a Viet Cong
20 infrastructure or cadre member.

21 Mr. Reid. Finally, there is another question I put to
22 the Ambassador.

23 "Mr. Reid: Another point, Mr. Ambassador, that I would
24 like to place in as clear a perspective as possible, is
25 the question of an assassination. Repeatedly it has

1 been said that the Phoenix Program does not involve
2 assassination. It does involve neutralization or
3 elimination at some of the descriptive phrases here.
4 There are reports in the Senate testimony, however, of
5 a VCI official being hauled out of bed and stabbed and
6 killed. There is another newspaper report in the hear-
7 ings that relates to a round-up of individuals, two of
8 them being Viet Cong suspects. One was then interro-
9 gated and shot.

10 "What I would like to ask is this: the testimony refers
11 so an earlier period where there is a counter-terror-
12 ist organization. Both you and other testified to that
13 and you also said it was relatively short-lived, as I
14 recall, in your testimony. Were these the PRUs and did
15 they involved Nwaga and others who had been hired for
16 the purpose of working in the program you described?"

17 "Ambassador Colby: It was a predecessor of the PRU;
18 yes, Mr. Congressman."

19 "Mr. Reid: And that did include mercenaries?"

20 "Ambassador Colby: It included people who were hired by
21 the United States; yes."

22 "Mr. Reid: And part of their purpose was counter-
23 terror and assassination, perhaps. Am I correct there?"

24 "Ambassador Colby: I would not say that that was the--
25 not assassination; no."

1 "Mr. Reid: Did it involve some of that?"

2 "Ambassador Colby: I think some occurred; yes. That is
3 why I said that. I think some occurred."

4 "Mr. Reid: That is what I was not totally clear about
5 from your testimony."

6 "Ambassador Colby: I thought I tried to make it clear
7 that I think some did occur at that time."

8 "Mr. Reid: So, in other words, the forerunner of this
9 program did involved some assassinations, inadvertent
10 or otherwise?"

11 "Ambassador Colby: As I said at that time, Mr.
12 Congressman, Vietnam was a pretty wild place at one
13 period when the government was very unstable and almost
14 not there. The enemy was very much at the gate. A
15 lot of things were done that should not have been done.
16 We have been trying to fix them up and stop that sort
17 of thing ever since."

18 Mr. Reid. Well, the inference from that Q and A, I
19 believe, is that what happened earlier might have included
20 assassination, but it was not condoned and did not occur, at
21 least from his testimony, after an early period.

22 It is your understanding, is it not, that it did occur
23 during a period you were there, which would be in '68?

24 Mr. Osborn. Yes, sir; what Ambassador Colby says there,
25 whether it is based on a motivation to deceive the committee,

1 or whether it is based on what you called earlier "ignorance,"
2 it is categorically wrong. That program which I described
3 that I was trained in for illegal participation in, any breach
4 of international or local law is still being taught by the
5 Army. It still advocates the same kind of procedures and there
6 has been no attempt whatsoever in all of my experience to
7 censure it.

8 I was peripheral to the Phoenix Program on a casual
9 basis until June of 1970. If anything they had by all means
10 intensified the kind of indiscriminate illegality we have
11 described here today. Any cleanup that anybody would refer to
12 officially before a committee under oath is a sad distortion,
13 especially considering the fact that we have sworn to tell the
14 truth and the whole truth.

15 Mr. Reid. And your reports as related to Phoenix or
16 information as provided as part of Phoenix would have gone off
17 the chain of command to Ambassador Colby?

18 Mr. Osborn. Certainly if Ambassador Colby took the
19 responsibilities and as you say, for the full Phoenix Program.

20 Mr. Reid. That is what he took.

21 Mr. Osborn. Then I would think he, as a matter of
22 confidence, would have the knowledge to be confident on the
23 whole, especially on the wholesale basis that I saw it occur in
24 Vietnam, the indiscriminate basis, and that knowledge was not
25 designedly compartmented from anyone if they would have.

1 just gone to the location, been available to be briefed on the
2 particulars.

3 Mr. Reid. When you say "wholesale" I take it you mean
4 during your period there there was sufficient assassination so
5 it could be described as immediate neutralization, which was
6 another phrase you used, or assassination on the spot, fre-
7 quently with no evidence beyond fragmentary rumors, if that,
8 and in some cases after the fast identifications were made on
9 allegedly the CI, who may not have been the CI at all?

10 Mr. Osborn. In fact, the intelligence reports we got
11 as summaries were the reports of that kind of standard opera-
12 ting procedure and the provisional reconnaissance units which
13 I described earlier which the CIA called Goon Squads, un-
14 officially had the primary mission of the assassinations which
15 were euphemized by Ambassador Colby and others as neutraliza-
16 tion; yes.

17 Mr. Reid. Finally, Mr. Chairman, again I repeat that
18 I feel this investigation should continue, that higher officers
19 should be called in Executive Session until otherwise all the
20 facts are rooted out fairly and until this program is totally
21 ended both by the United States and South Vietnam.

22 I would like to ask one final question of Mr. Uhl, be-
23 cause I think you have put it very clearly in your last
24 sentence.

25 You talk about those scarred psychologically from having

1 been executioners of brutal policies will not only seek
2 medical and financial relief, but in a real sense, represent
3 a human resource no longer willing or able to believe in the
4 worth of American institutions.

5 Do you both feel that othose who have been in these
6 programs or given orders under those programs, now seriously
7 doubt whether this is a country concerned with law, with human
8 rights, with due process, and part of these hearings must be
9 an attempt at redemption, and attempt at making clear that this
10 kind of thing will not be tolerated by a new generation of
11 Americans and that this must be totally rooted out if we are
12 to have any moral position in the world hereafter?

13 Mr. Uhl. I think the voices of the men I am referring
14 to have been strong over the last 20 months or so since the
15 Mylai massacre received such notoriety.

16 In hte summer of 1970 some 50 veterans testified in
17 Washington, D. C., at which one Congressman-elect was present.
18 There were ad hoc hearings in Congress. There was the winter
19 soul investigation. There have been many, many occasions where
20 veterans have spoken out. It is only recently that they find
21 that the institutions that supposedly represent their needs
22 are beginning to listen.

23 I h ve that this opens it up. I believe our testi-
24 fying today might be the first time veterans have testified
25 before a legitimate Congressional Committee with the one

1 exception I think, of John Kerry during the veteran oppor-
2 tunities. I think that more emphasis should be placed on
3 getting the perspective of the low-ranking GI from the field
4 since this seems to be the problem, the discrepancy between
5 what the policy-makers tell us and what goes on in the field.
6 I think this could benefit greatly from hearing more veterans
7 from all NOS's and all branches of services.

8 Mr. Reid. Well, I thank you for that and your comment
9 triggered one more brief question.

10 Washington Mylai related to Phoenix in any way, shape
11 or form, or was any of the information used in that operation
12 based on materials supplied by Phoenix?

13 Mr. Uhl. Since I was an intelligence officer for that
14 particular brigade, that particular division, I can only com-
15 ment on the procedures. I have no personal knowledge of Mylai.

16 We often would use, as I said, Phoenix rationale for
17 creating and implementing of combat operations. We would send
18 intelligence personnel on these search and destroy missions
19 with black lists, with numbers, lists of VC Infrastructure.
20 This was a common procedure in this particular division and
21 in other divisions from what I have been able to gather in
22 talking to hundreds of veterans.

23 Mr. Reid. Was Mylai this type of operation? You said
24 you had no precise knowledge of Mylai, but was it a search and
25 destroy-type of operation that could have carried on this kind

1 of endeavor?

2 Mr. Uhl. To my knowledge it was a search and destroy.

3 Mr. Reid. It was?

4 Mr. Osborne, do you have any comment on that?

5 Mr. Osborne. I would just say this, sir: the kind of
6 thinking that created spontaneously the complete destruction
7 of everything alive, as the record shows, in Mylai is the same
8 kind of thought that we really haven't touched on and I don't
9 want to go into detail here today, but it is a lack of respect
10 of the Vietnamese human beings which causes the Phoenix Co-
11 ordinator to advocate agent nets which report for whatever
12 reason people who inevitably die, people because they report
13 them, whether it is an infantry unit going in and slaughtering
14 a village or whether it is a body count on another basis; it
15 doesn't matter.

16 Mr. Reid. Thank you, Mr. Chairman.

17 Mr. Moorhead. Mr. McCloskey.

18 Mr. McCloskey. Gentlemen, both of you were military
19 intelligence personnel gathering information for essentially
20 military operations. When I was in Da-Nang, Mr. Osborn, in
21 December -- excuse me, January 1969, just prior to TET, I
22 gather you were there?

23 Mr. Osborn. Yes; I was.

24 Mr. McCloskey. I was there in 1970 and again in 1971
25 I was impressed by the fact that in that interval of time

1 a number of hamlets and villages were destroyed by military
2 operations. As a result, and Mr. Uhl has testified this was
3 the purpose of your MI Team, to get combat intelligence by
4 using torture in military operations, did your operations in
5 Da-Nang City range all over Quang Nam Province?

6 Mr. Osborn. Yes, sir.

7 Mr. McCloskey. In gathering military combat intelligence
8 was unverified information or unverifiable information gathered
9 by you used by either infantry or air units to destroy villages
10 thereafter?

11 Mr. Osborn. Yes, sir; the First Marine Division, when
12 I first approached them, did not want to cooperate with the
13 civilian type because they have a good bit of esprit d' corps.

14 Mr. McCloskey. Did they think you were a civilian?

15 Mr. Osborn. Yes; they did. The only way I -- reason
16 I was able to establish a proper rapport with the officer was
17 the fact I was capable of a lot of information-gathering, which
18 I was, but not to go to him as a PFC in the Army and beg his
19 cooperation because I am sure that I couldn't have gained it.
20 But he looked at me as an individual and said: I am not really
21 sure where I stand, so you try it and I will see how it comes
22 out. I was offering him the use of agent collection procedures
23 in order to obtain information.

24 The only way they had of obtaining intelligence at that
25 time was the Marine long-range patrols, which are extremely

1 limited. They don't speak Vietnamese. They have no percep-
2 tion of what they are seeing in the cultural context to which
3 they are foreign. I explained that nuance to him, which I
4 was surprised to see he didn't feel previously or know, and he
5 said perhaps that was a way of getting information he wasn't
6 capable of.

7 I organized nets and that was my primary user for a long
8 time.

9 At first I found them, to make a long story short,
10 receiving them, smiling and throwing the reports away because
11 they were not Marine reports; they were anything else, but
12 they weren't Marine. I went about appealing to him on a re-
13 trospective basis. What I said is: if you don't believe the
14 reports are worthwhile we are going to save you lives, logis-
15 tics, or whatever, then let's plot what I have reported and
16 see what happens. By that method over a period of about six
17 weeks I was able to convince him he would save himself a lot
18 of personnel problems and so forth by having the vacancy
19 reports.

20 In other words, they were accurate and timely.

21 So, on that basis he started to cooperate with the agent
22 reports, and I submitted them regularly thereafter and also
23 upgraded my activities in order to collect information for the
24 First Marine Division and at that time we had approximately
25 half a dozen -- I don't know how many -- five or six B-52s

1 which were coming over Quang which were assigned to the First
2 Marine Division operations, and it was their tactical area of
3 responsibility to which these planes were assigned. If they

4 If they had targets for them they would use the B-52s.
5 If they didn't they wouldn't. So, after I was reporting
6 several months for the First Marine Division the accuracy of
7 the reports were such and the limited -- they had such a limited
8 access to that kind of information that I could submit a re-
9 port to the First Marine Division and wherein an hour get a
10 B-52 strike destroying an entire grid square on a map, and we
11 did that.

12 Mr. McCloskey. You say a "grid square;" a kilometer?

13 Mr. Osborn. One square kilometer; right.

14 Mr. McCloskey. In February of 1970 when I was there
15 the top CORDS Advisor of IKOR told me that out of 555 hamlets
16 in Quang Nam Province 307 had been destroyed by American
17 military action, either to generate refugees or to destroy the
18 areas that was of potential support to the Viet Cong.

19 In the period you were there, 13 months, do you have any
20 estimate of the number of hamlets that were destroyed by
21 American military action during that 13 months' period and if
22 so, how many by B-52s or air strikes or infantry acting on
23 intelligence such as you had?

24 Mr. Osborn. I apologize for the fact I don't have that
25 kind of information codified. I do know that at the height of

1 our operational period, which was certainly more than six
2 months, that I was targeting B52s from my own verified reports
3 and which in fact, did do what they called "B-52 plows."

4 Mr. McCloskey. What was that?

5 Mr. Osborn. Released a row of bombs and as they fall
6 they simply fall one in front of the other by virtue of the
7 momentum and simply leave a large scarred plow in the earth.
8 They are done by pattern, calculated pattern to the ground.
9 That is called a bombing pattern.

10 With a B-52 it is designed to destroy a grid square.
11 This is accomplished with one mission. That is a lot of fire
12 power and also it is brought in on the basis of information
13 from an agent in a sub-net and so forth that there is or was
14 recently an enemy unit varying from squad to battalion in the
15 area within that grid square, and that would justify destroy-
16 ing the entire grid square.

17 Mr. McCloskey. I think I interrupted you. You were
18 talking about a six months operational period. What was the
19 number of grid squares destroyed?

20 Mr. Osborn. I would approximate them as two a week for
21 six months. That was about 50 that I can think of.

22 Mr. McCloskey. Did those grid squares at any time in-
23 clude hamlets where civilians were living?

24 Mr. Osborn. Probably all of them did.

25 Mr. McCloskey. Was this true of Quang Ngai Province?

1 Were you operating, Lieutenant?

2 Mr. Uhl. I remember that every time I walked into the
3 S-2 office, which was probably once a day, there were what we
4 call "arc lights," B-52 strikes planned, actually outlined on
5 the map in our areas of responsibility. I don't have any
6 way of estimating how many of these were performed every week
7 nor how many of them fell in populated areas.

8 Mr. McCloskey. I have no further questions.

9 Mr. Moorhead. And Mr. Phillips.

10 Mr. Osborn, I think you testified that your activities
11 in Vietnam were completely apart from any related activity or
12 knowledge of the South Vietnamese; that they were unilateral?

13 Mr. Osborn. That is correct.

14 Mr. Phillips. You also testified, I believe, that some
15 of your actions were directed at South Vietnamese citizens.

16 Mr. Osborn. They were, in fact.

17 Mr. Phillips. I wonder, what would have happened if
18 GVN units had apprehended you or questioned your activities
19 anywhere along the line; what would have happened to you?

20 Mr. Osborn. That would be a matter of speculation. The
21 reason that I lived under cover was, you understand, so that
22 the U. S. could deny my presence and my activity. So, when one
23 is compromised and take several agent handlers compromised at
24 a time, they would simply move from the area and send either
25 their real names or a different cover name altogether.

1 So, this made the whole thing completely evaporable.
2 That is the kind of thing they have described to the Viet Cong
3 and specifically the VCI. We have that as more of a standard
4 operating procedure as far as an illegal activity and an
5 official lack of condoning that. We were told informally that
6 -- we were briefed in Saigon when we first got there the first
7 week, and I went with a group of half a dozen people for a
8 briefing at which we were told, I think, as a standard line,
9 I believe, compromise and there will be a denial of this and
10 there were delusions of how bad the Vietnamese jails were, so
11 watch yourselves and don't get caught.

12 Several people were compromised and they immediately
13 left the area, and I had a couple of people compromised. I
14 had never felt at any time that I would get any official back-
15 ing or aid from the people who assigned me there, and as a
16 matter of fact, from that briefing was told explicitly that I
17 would not.

18 Mr. Phillips. You wore civilian clothes, then? You
19 didn't use a uniform?

20 Mr. Osborn. Not at all. I wore civilian clothes only
21 in attending civilian clubs and Navy officers clubs and so
22 forth, which was appropriate to the rank of GS-9.

23 Mr. Phillips. Did you use any kind of special ID,
24 identification papers that would identify you if you were
25 questioned by -- suppose this Marine Colonel, how did he verify

1 the fact that you were what you represented yourself to be?

2 Mr. Osborn. I had several different identities and for
3 each of them I had a complete set of documentation. They were
4 made in Saigon and they were just as official as anybody
5 else's. They were made up of from blanks there, and as a matter
6 of fact, I had several people look at me and wonder who I was
7 and say: All right; who are you really? Are you really so and
8 so as a Member of the State Department CORDS this and that;
9 whatever I happened to be using at the time, and I could look
10 them straight in the eye and produce my documents and say:
11 Yes; this is my ID card.

12 Mr. Phillips. They were interchangeable?

13 Mr. Osborn. They were, in fact. I had to interchange
14 them several times, twice in one change in order to obtain
15 access to which one status wouldn't constitute and the other
16 one such as a classified map of the Da-Nang Air Base and was
17 told that was only by military access and had I been an
18 officer of the military I could obtain that. I went back in
19 my house in Da-Nang and got into fatigues, about the only time
20 I wore fatigues in Vietnam, got my documentation which proved
21 unequivocally that I was a First Lieutenant and went back and
22 asked the same intelligence officer and he just gave it to me
23 out of frustration. I signed for it and --

24 Mr. Phillips. Suppose you had been captured by the
25 Viet Cong.. Do you think you would have been treated as a

1 military prisoner, or to put it another way: do you know of
2 any of your colleagues that were captured?

3 Mr. Osborn. No; I had quite a number of friends that
4 were surrounded by the NVA at a covert house in Huie during the
5 TET offensive. Their ranks went from Major on down to PFC.
6 PFC the agent handler, and the Major happened to be our
7 operations officer there in Huie when the shooting broke out.
8 They were trapped there for four days in a house and they got
9 together and decided the one thing if they were captured, the
10 one thing they would not have on is their civilian documenta-
11 tion and they were going to appear as military administration-
12 type personnel who had just come back from RUC and got caught
13 up in that thing and they had done nothing; they were not
14 associated with that at all.

15 So that is how they would have tried to fulfill the
16 cover, by not fulfilling it, but certainly without any official
17 documents, to answer your question.

18 Mr. Moorhead. Mr. Reid.

19 Mr. Reid. Mr. Osborn, was a Chinese woman who worked
20 with you assassinated by U. S. personnel? What were the cir-
21 cumstances?

22 Mr. Osborn. Yes; I had a Chinese National interpreter,
23 female, who was multi-lingual and educated in France. She was
24 a native of Huie, and worked for me for several months. She
25 became essential to my inflight into the Vietnamese scene

1 because I had no cultural understanding by way of education
2 and training, and I used her knowledge, not by way of training,
3 but as couriers and also other support functions. She made
4 contacts so I wouldn't be seen as a Vietnamese agent and that
5 kind of thing. She was exposed to our operations.

6 There was an American captain who had wanted to be an
7 agent handler himself and found only the enlisted men could do
8 this kind of thing and found himself without a job.
9 Officially he was in charge of intelligency contingency fund
10 money; that is: money for the Army for agent operations. There
11 was no money and no job for him. He lived in Da-Nang peri-
12 pheral to the intelligence community and had no function.

13 One afternoon after lunch we left our club and I went
14 back to my house and he drove in the driveway and my inter-
15 preter was coming back from lunch and he shot her through the
16 neck with a .45 and then drove out and went to his house, which
17 was down the street a couple blocks. His reason, his motiva-
18 tion for doing this was for one thing: he had a complete
19 disdain for the Vietnamese or any role that they might have
20 that would be of more construction than his; and second: his
21 rationale was when I confronted him with this, that the woman
22 was only a Slope anyway and it doesn't matter. That is a
23 derogatory form for any Vietnamese.

24 This goes in the category of Slope, Gook and whatever
25 else.

1 Mr. Reid. And what else? What did you report as a
2 result of this?

3 Mr. Osborn. Nothing. The individual, by the nature of
4 our activities -- well, his official rationalization had been
5 that she was over-exposed to operations, that she knew too
6 much and that she was dangerous, which in fact was quite far
7 from the truth. She was essential to the success of the
8 operations because we had no competence in it ourselves.

9 Mr. Reid. So there was no subsequent inquiry into it
10 at all?

11 Mr. Osborn. None.

12 Mr. Reid. Mr. Osborn, one other question.

13 The piece in the Sunday paper, the New York Times,
14 entitled: "This Phoenix is a bird of death," next to the last
15 paragraph says: "At high level the United States' insistence
16 an inventory of all those imprisoned under the Phoenix program
17 is being conducted. American officials contend they do not
18 know how many such prisoners they are; whether they are
19 scattered in jails and interrogation centers all over the
20 country. The purpose of the inventory is to weed out the real
21 Viet Cong suspects from others who are framed, imprisoned and
22 whatever."

23 Do you have any knowledge of the inventory and prior to
24 your departure from Vietnam were there anything representing
25 accurate reports as to where the VCI detainees or insurgents

1 are being held?

2 Mr. Osborn. No; as I said before, I never knew in the
3 course of all those operations any detainee to live through
4 his interrogation. They all died.

5 Mr. Reid. They all died?

6 Mr. Osborn. They all died. There was never any
7 reasonable establishment of the fact that any one of those
8 individuals was, in fact, cooperating with the Viet Cong, but
9 they all died and the majority were either tortured to death
10 or things like thrown from helicopters.

11 Mr. Reid. Could some of those have been incarcerated
12 or interrogated for political reasons as General _____ has
13 suggested that Phoenix has been used politically?

14 Mr. Osborn. Very definitely. I would say this: with
15 a program as treacherous as that, with as little control as
16 that, it could be used to whatever ends were indiscriminately
17 applied to it; yes, definitely.

18 Mr. Reid. We have been apprised there were approxi-
19 mately 600 officers in the Phoenix program. A number of them
20 field grade; the others captains and lieutenants. About how
21 many teams were there in Vietnam carrying on MI functions
22 similar to yours?

23 Mr. Osborn. Oh, I would say in the IKOK area I knew
24 of half a dozen agent operators, that is: agent handlers like
25 myself.

1 That is because I knew of them having been
2 in Fort Holabird with them and in Saigon with them and so
3 forth. We pretty much knew who each other were. There was a
4 fellow I knew as a USAID personnel with the Pacification pro-
5 gram about my age and who I am sure was not an agent handler.

6 When I got back to the United States and was assigned
7 to Fort Mead, Director came back from Vietnam and joined my
8 unit. Sure enough, he had the same job as I, except he used
9 his cover better than I.

10 Mr. Reid. There were each one of these teams in the
11 four corps areas?

12 Mr. Osborn. There were, in fact. Originally when I got
13 there the 525 I group was set up like this: in each core area
14 there was a battalion for unilateral covert collection activity
15 for each of the four corps areas. Then it was, in other words,
16 my function.

17 There was a battalion which covered all Vietnam. Now,
18 there is a battalion in each corps area which covers all func-
19 tions and that was reorganized in --

20 Mr. Reid. How many of the agent handlers were those
21 that were operating nets such as yours who spoke Vietnamese
22 or individuals and officers in Phoenix who spoke Vietnamese
23 and was there any requirement in Fort Holabird that because this
24 involved working with Vietnamese that first one should learn
25 the language?

1 Mr. Osborn. Very few of the American people I knew in
2 Vietnam spoke Vietnamese.

3 Mr. Reid. So the bulk would have to rely on interpreters
4 who might or might not be accurate?

5 Mr. Osborn. That was true; that was one of the main
6 causes of paranoia. That was one of the main rationales of
7 the captain who murdered the interpreter, based on a summary
8 value that Vietnamese are not to be trusted because we are
9 overly dependent upon them. That is a standard value, being
10 aware of your agent or not falling in love with your agent or
11 losing your objectives..

12 That is treating with what we call officially at
13 Holabird, a healthy suspicion or something close to that. It
14 is not healthy.

15 Mr. Reid. One final question.

16 If I understand your testimony correctly, when you were
17 talking about the Defense Intelligence Collection Manual, and
18 also about procedures and training at Fort Holabird, if I
19 understand you correctly it was either oral or written dis-
20 cussion of termination, both with prejudice and with extreme
21 prejudice; is that correct?

22 Mr. Osborn. That is correct.

23 Mr. Reid. That was in written as well as in the course
24 orally?

25 Mr. Osborn. Yes; I quite remember having been assigned

1 one day to study the intelligence cycle which goes from looking
2 for an agent, the termination of an agent all the way through
3 and the last section in that chapter was termination. With
4 prejudice was a subcategory and without prejudice was a sub-
5 category but never did I ever see it codified in school that
6 they were to be tortured to death or murdered. That came
7 later in the field. That is how that kind of illegal training
8 is supplied, in fact.

9 Mr. Reid. Thank you, Mr. Chairman.

10 Mr. Moorhead. Would you gentlemen be willing to answer
11 written questions that members of the committee would like to
12 submit to you later?

13 Mr. Uhl. I have no objection.

14 Mr. Osborn. No objection.

15 Mr. Moorhead. Mr. Phillips, do you have any questions?

16 Mr. Phillips. Yes, one more.

17 Mr. Moorhead. Excuse me.

18 Mr. McCloskey. I just have one or two, Mr. Osborn.

19 I was struck by something you said that only enlisted men
20 could do these jobs, such as you held.

21 Mr. Osborn. That is right.

22 Mr. McCloskey. Why was that?

23 Mr. Osborn. It was because the agent handlers who were
24 trained and are trained in the Army are told that there is no
25 official way to get information. There is the DICOM which we

1 mentioned, but that won't do it, and you have to be flexible
2 enough and willing enough to go out on a limb to accomplish
3 these things in order to obtain the information. In exchange
4 for that kind of autonomy or that kind of a mission they will
5 give you the autonomy necessary to operate as a civilian.

6 In other words, to the enlisted man they can say: would
7 you rather vegetate or be a subordinate in the Army. A
8 majority of these people have college degrees and are capable
9 of being an officer -- or would you rather be autonomous and
10 free?

11 As I mentioned, a number of people take this course and
12 go to Vietnam and do nothing, straight Army. The majority of
13 these eight out of ten people do nothing in their whole year.

14 Mr. McClosley. Viewing a commissioned officer, we used
15 to call them an officer and a gentleman by act of Congress.
16 Officers deliberately precluded from participating as agent
17 handlers?

18 Mr. Osborn. They are, in fact. The only agent handler
19 course that is given in the Army is given to enlisted men.
20 That is not based on the myth that officers are gentlemen by
21 Act of Congress.

22 Mr. McCloskey. I believe that myth does exist.

23 Mr. Osborn. It is a myth.

24 Mr. Uhl. I think they are MOS and not in fact restricted
25 in agent handlers. In fact, I have friends in Quang Ngai City

1 who were at Fort Molabind with me and took '68 course and
2 were in fact, agent handlers.

3 Mr. Reid. That was a course for officers?

4 Mr. Uhl. Yes.

5 Mr. McCloskey. The previous testimony where you
6 described the presence of officers in interrogation and torture,
7 these were all Marine officers not connected with your chain
8 of command?

9 Mr. Osborn. That is true, sir.

10 Mr. McCloskey. Who did you report to? Who was your next
11 highest official when you were in Da-Nang City?

12 Mr. Osborn. For that? I should tell you it depends on
13 the program. I had gone out and found the Phoenix program. I
14 had no superior. It was a matter of having accepted the nets,
15 getting the information and feeding it to whom I thought it
16 was necessary to feed it to. If I wanted to go back to Saigon
17 and live there on the economy, fine; or some province capital
18 or whatever.

19 Mr. McCloskey. Who was your next military superior in
20 the Army?

21 Mr. Osborn. I was compartmented from the military
22 because they would have denied my existence. The only connec-
23 tion I had with them was to receive my pay by covert meeting
24 once a month and to get an R&R.

25 Mr. McCloskey. Who did you get your pay from; where and

1 when?

2 Mr. Osborn. Administrative Captain from the First
3 Battalion 525 MI Group who I knew from my club and who used to
4 slip me my pay under the table at dinner.

5 Mr. McCloskey. Was your civilian club in Da-Nang?

6 Mr. Osborn. No; a Navy Officers' club where we all
7 belonged.

8 Mr. McCloskey. This is once a month you got your pay
9 from an Army Captain who came in in civilian clothes to a
10 Navy Officers' Club?

11 Mr. Osborn. That is right, and in fact, had several
12 dinners himself and would pull out civilian documentation and
13 go pay the people, his people who he was administratively
14 responsible for. He was an RA, a regular army officer and had
15 planned to go career and finish 20 years in service, but after
16 his service in Vietnam and seeing the effectiveness of the pro-
17 gram he resigned his commission. He is now a civilian.

18 Mr. McCloskey. I am overcome by this testimony.

19 I have no further questions.

20 Mr. Mookhead. Mr. Phillips, do you want to

21 Mr. Phillips. Yes.

22 Mr. Uhl, you described the intelligence contingency fund
23 on page 6 of your statement, and you have referred to it as
24 your classified fund. Do you mean it was classified as a
25 security document, security classification; is that what you

1 mean?

2 Mr. Uhl. The existence of the fund was supposed to be
3 classified, I believe, secret.

4 Mr. Phillips. Secret?

5 Mr. Osborn. Yes; it was secret.

6 Mr. Phillips. Do you have any way of knowing what kind
7 of funds were funneled into ICF; were they military funds or
8 CIA or AID funds or where did they come from?

9 Mr. Uhl. I believe the funds funneled into ICF
10 Defense Department funds allocated specifically for that pur-
11 pose.

12 Mr. Phillips. How did you obtain money out of this fund?
13 Did you put in a voucher or what was the procedure that you
14 followed?

15 Mr. Uhl. There was a ICF officer at division. Once a
16 month he would fly to Saigon and see the designated amount of
17 money. He would disburse this, then, to the various -- his
18 military intelligence people located at the brigade level.
19 They had three brigades, so he would disburse it to three dif-
20 ferent people and he would keep a certain amount at division
21 for -- I don't have any remembrance about the amount of money.

22 Mr. Phillips. That was going to be my next question:
23 if you have any rough estimate of how much money went to this
24 fund a month.

25 Mr. Uhl. I remember we paid our coded sources

1 approximately \$50 a month. We paid out incentives, mostly
2 liquor and cigarettes, which were provided for us in that
3 form. And we paid also bonuses and incentives for weaponry
4 or ordinance turned over to us or if a particular source was
5 responsible --- information was responsible for rendering a
6 body count or rice cache or weapons cache.

7 Mr. Phillips. Just one general question.

8 Do either of you know instances wherein the targeting
9 and neutralization alleged VCI that this might have been
10 used to eliminate a political rival or a potential political
11 rival? Now, I can see the potential is there for this type of
12 abuse where you are paying an informant there is no way for
13 you to verify the information that he gives you; you go ahead
14 and send out a patrol or some other type of artillery or B-52
15 strike on that particular village to eliminate them, but do
16 you know of any political ramifications of any of this kind of
17 elimination?

18 Mr. Uhl. I know of no specific instance. I can only
19 speculate that it is one of the uses it is probably used for.

20 Mr. Phillips. Do you know, Mr. Osborn, any such cases?

21 Mr. Osborn. I know of no -- I would ask political rival
22 of whom? Would you say --

23 Mr. Phillips. Perhaps the province chief or the village
24 chief could perhaps get to your informant and bribe him to
25 eliminate a potential rival.

1 Mr. Osborn. No; I would only say this, that the VCI
2 constitutes by official definition, even the central corps of
3 people who are trying to gain legitimate entrance into the
4 government as it does not exist in the provinces now and
5 never has since I have been involved in government; so
6 naturally anybody who would be on that list by definition as
7 a member of the VC Infrastructure because they have political
8 rivals who are now ruling the provinces which we have seen,
9 is an illegitimate process.

10 Mr. Moorhead. Mr. Cornish.

11 Mr. Cornish. Yes. This is addressed to both of you.

12 Did at any time in your military service you receive
13 any orientation at all on the Geneva Convention?

14 Mr. Osborn. Categorical; no.

15 Mr. Uhl. I attended Infantry Officers School before I
16 went to Officers School, and if I remember there was some vague
17 reference made to it in one hour block of instruction of
18 military law or something like that, but nothing very substan-
19 tial.

20 Mr. Osborn. Mr. Uhl was trained as an officer and I
21 was trained as an enlisted man. If they received an hour of
22 instruction, on one hour out of what: a five-months course --

23 Mr. Uhl. Twelve weeks.

24 Mr. Osborn. Twelve weeks, one hour on the Geneva
25 Accord, it would be, by the nature of the program, there in

1 order to be able to be knowledgeable of the document. In fact,
2 as we have said before, the enlistedmen are the ones who are
3 the operatives and they are not instructed.

4 Mr. Cornish. Mr. Uhl, I don't think we got for the
5 record what happened on the third man that came out of the
6 spiderhole. Was there something else you were going to tell us
7 about that? You said that he was still alive, but I don't
8 think we heard the conclusion on that particular episode.

9 Mr. Uhl. Well, what happened was: one of the counter-
10 intelligence agents who served under me had been in Vietnam
11 for some months, had been on a number of these patrols, took
12 out his .38 snub-nosed revolver and put it up to the man's
13 head and was about to kill him, at which time I prevented him
14 from doing that and he turned to the ranking officer: Captain
15 S-2 from battalion and asked him why he could not proceed and
16 kill this man and this was: (1) the way they generally pro-
17 ceeded; and (2) it was necessary because if they didn't kill
18 the man he would just be turned over to corrupted VN officials
19 who would let him out again and he would be out planting mines
20 again, so the captain told me that I could make the decision
21 since it was the military intelligence operation. He just
22 washed his hands of the matter.

23 So, I told the man that he would not -- that I would
24 not countenance his killing this civilian and that if he did
25 that I would report it.

1 As a result, most of the CI agents, Counter-Intelligence
2 agents wouldn't go out on patrol with me, but I knew this was
3 common behavior in Vietnam.

4 Mr. Cornish. Were you aware of any competition between
5 these intelligence units in regard to your operations?

6 Mr. Uhl. The lists of the prisoners of war and civil
7 defendants and all were published, I believe, on a weekly
8 basis. There was a constant competition among the military
9 intelligence agents over who would have the highest number of
10 CDs represented or PWs represented or rice caches found.

11 I would like to stress also the rice cache was often
12 nothing more than the supply of rice that was necessary for
13 the livelihood for a particular hamlet or village. We would
14 go out looking for rice and we would find rice, because people
15 need rice to live.

16 Mr. Cornish. Thank you, Mr. Chairman.

17 Mr. Moorhead. Thank ou both very much.

18 We thank you, Mr. Reid, for bringing these witnesses
19 to the subcommittee.

20 The subcommittee will meet next on Wednesday in this
21 room at 2:00 o'clock p.m. to hear testimony from outside wit-
22 nesses on black market currency manipulation.

23 The committee now stands in recess until Wednesday
24 afternoon.

25 (Whereupon, at 1:00 o'clock p.m. the hearing was
recessed to reconvene on Wednesday, August 4, 1971 at 2:00 p.m.)